DOCUMENT RESUME

ED 423 435 CE 077 250

AUTHOR	Hooper, Derek; Farrell, Jane; Hedge, Annie; Thorpe, Tony
TITLE	Can They Do That? Learning about Active Citizenship.
INSTITUTION	National Inst. of Adult Continuing Education, Leicester (England).; Citizenship Foundation, London (England).
REPORT NO	ISBN-1-872941-58-3
PUB DATE	1995-00-00
NOTE	105p.
AVAILABLE FROM	National Institute of Adult Continuing Education, 21 De Montfort Street, Leicester LE1 7GE, United Kingdom (12 pounds).
PUB TYPE	Books (010) -- Guides - Classroom - Learner (051)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Adult Education; *Adult Learning; Behavioral Objectives; Citizen Participation; *Citizenship Education; Citizenship Responsibility; *Civil Rights; Courts; *Democracy; *Disabilities; Educational Needs; Foreign Countries; Health Services; Justice; Learning Activities; *Legal Responsibility; Legislation; Lesson Plans
IDENTIFIERS	*United Kingdom

ABSTRACT

This book contains the materials required to conduct a seven-unit course in what it means to be an active citizen in the United Kingdom. The units are intended to be used in return to study and access courses and were written to be of immediate practical relevance to providers of further education college- or community-based courses for various audiences, including voluntary, women's, and self-advocacy groups and tenant's associations. The materials are designed to develop students' critical thinking skills, extend their critical understanding of democratic and legal processes, and promote development of practical skills of advocacy and assertion. Each unit contains student materials, tutor's notes (including methods for presenting the unit, discussion questions, and group activities), and suggestions for further study. The lesson topics are as follows: rights and responsibilities of citizenship; making and changing laws; democracy and disability (statistics, campaigning for change, the politics of disability); health and citizenship (illness and society, health care entitlements, community health councils); education (citizen involvement, statistics, life after school); justice and the legal system (the criminal and civil systems, the courts, costs of the legal system); and belonging and unbelonging (British subjects and passport holders over the past 50 years). (MN)

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Can They Do That?

Learning About Active Citizenship

Derek Hooper, Jane Farrell, Annie Hedge and Tony Thorpe

NIACE
The Citizenship Foundation

First published 1995 by the National Institute of Adult Continuing Education, 21 De Montfort Street, Leicester LE1 7GE.

Company no. 2603322
Charity no. 1002775

Published in association with the Citizenship Foundation. Weddel House, 13 West Smithfield, London EC1A 9HY (tel: 0171 236 2171; fax: 0171 329 3702).

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ISBN 1 872941 58 3

Printed by Echo Press, Loughborough, UK

The Writers

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He acted as consultant on the BBC series *The Interviewing Game*, and recently contributed to the CCETSW publication *Positive Steps* – developing and delivering services to black people affected by HIV and AIDS. He has also trained at the London Lighthouse.

He is currently working part-time at Wandsworth Adult College where he is responsible for staff development and special curriculum projects.

He is also a management consultant and trainer with Equality Works, a training and consultancy group which works with a range of public sector and voluntary organisations.

Jane Farrell has worked in the social and educational services in Liverpool and London for 10 years. She has taught a range of subjects and courses in schools, further and higher education and is currently teaching on the diploma course, *Women, Work and Management*. Her teaching focuses on working with organisations to develop strategies and systems which work efficiently and equitably.

She has advised and trained at all levels including managers, governors and support staff and has recently completed an MA in Human Rights.

Annie Hedge started her career in language teaching and educational publishing. She has since worked as a trainer in establishments throughout the education system, designing and teaching courses on equal opportunities in curriculum development, classroom organisation and in the recruitment and selection of teachers and other staff.

She has also devised and run courses in other public and voluntary sector organisations, often to do with formulating and implementing equal opportunities policies. She is co-author of *Fair Interviewing* and has written many other training materials. She is now completing a PhD thesis on the discourse of equal opportunities.

Annie and Jane run their own successful consultancy and training company – Equality Works.

Tony Thorpe a specialist in teaching materials and training, has worked closely with the writers of *Can They Do That?*, in devising and revising the materials.

Other contributors include Paul Macey, Winin Pereira, Jeremy Seabrook and Pippa Wainwright.

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THE CITIZENSHIP FOUNDATION

The Citizenship Foundation is an independent educational charitable trust, established in 1989. Its purpose is to enable people of all ages to become more effective citizens by developing their capacity to understand legal, moral and political issues based on a concern for democracy, justice and the rights of others.

The Foundation undertakes these aims in a number of ways, and these have so far been largely through the provision of materials and activities for schools. Current and recent publications and projects are listed below:

- *You, me, us!* a new approach to moral and social education for primary schools, available *free* from the Home Office. Obtainable from PO Box 999, Sudbury, Suffolk CO10 6FS
- *Living with the Law* and *Understand the Law*, two sets of materials designed to develop young people's understanding of legal issues for students in key stages 3 and 4. Published in seven volumes by Hodder & Stoughton
- *The Young Citizen's Passport*, a first reference guide to the law for 16–19-year-olds, published by Hodder & Stoughton, price £2.99
- *Citizenship*, a twice-yearly journal for all those interested in citizenship education
- Work in preparation includes teaching materials for use in young offender institutions and materials and guidance for introducing citizenship education for students with special needs.

The Foundation promotes and organises a number of activities for young people. These include a Youth Award Scheme in Northern Ireland and the Bar National Mock Trial and Motorola Youth Parliament Competitions.

The Foundation has growing links with schools and universities in Eastern Europe, which have resulted in the adaptation of teaching materials for use in schools in Bulgaria, Hungary and Russia and for adult education (particularly the teaching of English and human rights education in Poland, Slovakia and the Czech Republic).

Staff at the Foundation have a wide experience of the provision of INSET, information resources and consultancy services – which includes work for Channel 4 and BBC radio and television. Workshops and courses for schools and local authorities are regularly held throughout England and Wales.

The Foundation is now beginning to extend its work beyond schools to adults in a number of different settings. *Can They Do That?* marks the beginning of such work. The Citizenship Foundation can be contacted at 6th Floor, Weddel House, 13 West Smithfield, London EC1A 9HY. Tel: 0171 236 2171, Fax: 0171 329 3702.

THE ADULT EDUCATON PROJECT

A grant from the Baring Foundation has enabled the Citizenship Foundation to develop a range of teaching materials for use in adult education.

The materials are designed to be used in a range of settings but principally on 'return to education courses', offered widely within adult education centres.

Typically these courses serve students who had little success at school, but who have decided later in life to return to education to obtain some of the skills and qualifications that they missed earlier.

In common with such courses, the purpose of the materials is to raise students' understanding of some of the issues affecting their lives and to develop their level of confidence within the education system. They may also be used in other courses of study, for example GNVQs, GCSE English or sociology, advanced level ESOL courses, or with general discussion groups.

More specifically, the materials are designed to develop students' understanding of:

- the factors affecting rights, freedoms and access to services
- legal and democratic processes.

The writers have also designed the materials to be used in the development of practical skills, and for students to use their experiences as the basis for their learning. In this way there is a thread running through all units encouraging students to question things that are normally taken for granted, undertake further action or investigation and attempt to identify the effects of political decisions on our rights as citizens.

The materials comprise an introduction and seven self-standing units, which the teacher may use in any order, according to the needs of the group. The titles of the seven units are:

- What is Citizenship?
- Making and Changing the Law
- Democracy and Disability
- Health and Citizenship
- Education
- Justice and the Legal System
- Belonging and Unbelonging.

A detailed guide to the aims and use of the materials is given in the Introduction, with examples of how the units may serve different courses.

Each unit contains teachers' notes, suggesting often more than one approach to the work, student material and resources for further study.

The units have been evaluated in four different institutions, with three groups of adult returners, basic education students and a group from the Women's Institute.

Modules have been produced for students to assist in the delivery of this programme and to provide the opportunity for certification. In order to take up this option, centres will need to register with the Award Scheme Development and Accreditation Network (ASDAN).

For further information write to ASDAN Central Office, 27 Redland Hill, Bristol BS6 6UX, tel: 01179 239843, fax: 01179 467774.

INTRODUCTION

What is Citizenship?

Popular dictionaries define *citizenship* in two ways. The first in terms of membership of a state or community, and the second with reference to the rights and duties of being a citizen.

Until recently, it was in the first context that *citizenship* was most often used – most commonly in the context of state membership for migrants.

However, along with state membership, go certain rights and duties (the second part of the definition) and it is an exploration of these that is the focus of these materials.

Through the seven units in this pack, students are given an opportunity to understand the nature and political context of some of the rights and duties accorded to citizens today and to consider how they might most effectively be upheld or changed.

The political context

The nature of citizenship and the role of the citizen is part of the current political debate in Britain.

The introduction by the government of the Citizens' Charter and the various services charters which accompany it, are part of a redefinition of the role of the citizen as a user or consumer of services – sometimes public, sometimes private. Since 1945 there has been a broad consensus across the political spectrum that the state has a responsibility to look after the well-being of its citizens who are in need – such as the sick, the poor, the elderly or those without income. The state has been the guarantor of our basic social rights to education, health care, shelter and access to justice. This is now changing. There is a new emphasis on the responsibility of the individual citizen and the community to provide the services that had formerly been provided by the state. This is particularly true in relation to care for the elderly and mentally ill, for example. The question it raises is about the nature of this community – does it still exist, what does it comprise of and what is its commitment to collective care?

At the same time, the institutions which provide the services – the schools, colleges, doctor's surgeries, the retirement homes – are being required to market themselves so that the citizen can exercise the freedom to choose the best one available. Choice is one of the key freedoms of the new citizen.

Thus rights have been replaced by the freedom to choose and to expect them to account for their standards of delivery; services compete with each other for resources and 'customers'. How easily does competitiveness sit with concepts of community and collective responsibility? The new political agenda is changing the relationship between the citizen and the state.

These changes also raise questions about the role of voluntary work. Which essential services should be guaranteed by statute and provided by paid workers, and which should be reliant on the goodwill and voluntary efforts of fellow citizens? What, also, are the obligations of the statutory sector to marginalised groups such as the disabled and ethnic, cultural and

religious minorities who have traditionally been dependant on voluntary support and help from within their own communities?

The justice system, and the laws and their application are the key way in which citizens' rights are guaranteed by the state and the way that citizens can challenge the state when they consider these rights are being withheld. Laws and their application are not by definition just, and may not even be fair. They may serve the interests of one group rather than another; they may be administered with prejudice and bias. The materials in this pack invite the learner to question the fairness and justice of our laws and, where relevant, to challenge the way they are applied.

Beyond Europe

The idea of a contract between individual members of a community and those who govern them is generally thought to have its origins in the West, in the democracies of Greece and Rome. There are, however, other models of citizenship elsewhere with equally long traditions, where the nature of the contract is different. For example, societies in the South often place more emphasis on the rights and well-being of the whole community over the freedom and interests of the individual members.

Another dimension of global citizenship lies in the impact of individual freedoms in the West on communities in the South. There is some criticism by communities in the South that the notion of individual freedom, as defined in the West, leads to activities which damage economic and cultural rights and deprive communities of a sustainable livelihood.

The Materials

The materials are designed to encourage students to:

- develop their skills of critical thinking
- trust and value their own experiences, and learn from others in the group
- make connections between cause and effect, and between intention and effect, and to stimulate further investigation
- recognise the cultural diversity of British society and that factors such as gender, race, age, class, sexuality and being able-bodied have a direct effect on the way we experience society and on our rights, freedoms and access to services
- extend students' critical understanding of democratic and legal processes.

Each unit is constructed around a single topic, with tasks designed to develop practical skills of advocacy and assertion. These include:

- questioning assumptions behind information
- re-evaluating the contribution of lay people in professional forums
- identifying the effect of political decisions on our rights as citizens
- challenging the opinion and actions of experts.

Finally, in the spirit of most adult education, the materials are designed to enable students to use their experiences as the basis of their learning. The role of the tutor, therefore, is to highlight the common threads from the

individual experiences and to provide a framework for reflection and understanding.

The Students

The materials are designed to be used with adults who have a good level of reading skill, and a fluency in English. They would have to be significantly adapted for use in basic education groups.

The materials are appropriate for adults who are returning to study after a break, and who may not have many, if any, formal qualifications. We also hope that they would be enjoyed by older learners, who will be able to bring to the topics a breadth of experience and insight.

The units or sections of them can be used in other courses of study, for example Access courses; Core Skills Communication – either within certain GNVQs or offered independently – levels 2 and 3; City and Guilds Wordpower stages 1 and 2; GCSE English or sociology, advanced level ESOL courses, or with general discussion groups.

Core skills: many of the discussion items in the materials would need to be supplemented with written work, research activities or graphical representation tasks.

Wordpower: the chief use of the materials will be with Wordpower stage 1, units 1–4, with the addition of written tasks for homework and again supplemented with practical tasks, such as form-filling and conversation skills.

It may be helpful to build some study skills into the course to help students with such skills as note-taking, basic research techniques, keeping a file and methods of study.

Suggested Methodology

Small and whole group discussions are used throughout these materials. Discussion-based courses can lose their sense of direction, unless the learning outcomes are clearly defined and shared with students, and the themes and threads continually connected and reinforced.

You may therefore find the following practical hints helpful:

- make sure that all group members have an equal opportunity to talk, and that group members listen and talk to each other; ask for specific responses to each student's contributions
- encourage group members to make eye contact with the whole group when making a contribution, and not to direct all their comments to you, the tutor
- encourage participants to share their knowledge or views of their own culture, but do not expect or allow individual students to be used as experts on their culture, race, gender, etc.; for example, a gay student can draw only on his own experiences to inform the discussion – he cannot be the spokesperson for all gay men
- help the group be critical of each other's ideas while retaining respect for each other as individuals
- develop reflective and critical thinking by asking students to elaborate and support their opinions with evidence

- invite them to distinguish between hearsay evidence, their feelings about a subject, and their own experience; don't allow comments like 'people say ...' to pass unsubstantiated
- don't allow a personal experience to be generalized into a universal truth; use other members of the group to test how widely it applies
- encourage students to use 'I ...' when talking about themselves
- summarise discussion from time to time, noting key points on the board or flipchart; don't be afraid of disagreement and don't force consensus
- encourage students to be rigorous in their opinions; ask questions which invite analysis, which explore effects and causes and make connections between events; let the students know your opinion, so that this can be separated out from your role as facilitator.

Measuring the Learning

The materials are designed to develop understanding, attitude and skills. A list of outcomes are given at the start of each unit. You may want to change these to meet the needs of the group, the time available and the choice of exercises.

It can help students to track and measure their own learning if you write the outcomes on the board at the beginning of the session, and invite students at the end to assess to what extent the outcomes have been achieved, and what further work they would like to do. An example of an assessment sheet is provided at the end of this introduction (page 19).

Resources

References for further reading are given at the end of the tutor's notes within each unit, and the following publications may also be useful as more general background reading to citizenship:

- *Education for Citizenship*, (ed.) Eileen Baglin Jones and Neville Jones, Kogan Page, 1992
- *Encouraging Citizenship*, Report of the Speaker's Commission on Citizenship, HMSO, 1990
- *Government in the United Kingdom*, Dawn Oliver, Open University Press, 1991.

Designing a Course

The materials are divided into seven units, with enough material in each unit to generate at least two to three hours' classroom activity. Sometimes suggestions for further study at home are also provided.

The units are self-standing and together provide enough material for twelve half-day sessions. If this amount of time is not available and you are restricted in your choice, we recommend that you try to include at least one of the first three units in your selection.

You have twelve hours available, in two-hour blocks. Start with unit one and then offer the group a choice of four other units. Alternatively, start with a unit you know is topical or which will interest the group, for example, health or education, and then negotiate the choice of remaining units.

Unit Summaries

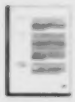
The materials within each unit are designed to be used sequentially. Indications are given to show where it is possible to omit sections or change the order.

Also shown in the summaries are those materials which are particularly useful for the units and elements in Wordpower, Stage 1.

The timings that we have given for each section can only be approximations and will inevitably vary from one group to another. The summary for each unit is reproduced on the following pages.

What the symbols mean

This symbol is used to indicate tutor's notes.



This symbol tells the tutor to refer to the resource materials at the end of the unit.

This symbol is used for an information item, usually an address or a reference to another book.

UNIT ONE: What is citizenship?

Aim: To consider the meaning of the terms citizen and citizenship, to relate these terms to human rights, and to discuss them in relation to Britain today.

1 Getting into the topic

This section could also be used as an introduction to any of the other units.

1.1 *Word associations*

Students are invited to explore the meaning of the word *citizen*. *25 minutes*

1.2 *Quotations*

Ten quotes from a cross-section of people on the meaning of citizen (Unit 5, element 1; unit 6, element 2). *20 minutes*

2 The rights of citizens

2.1 *Deciding what they are*

Students draw up their own list of human rights. A case study is provided for stimulus (Unit 1, element 1; unit 7, element 1). *45 minutes*

2.2 *Charters and conventions*

Summaries taken from three charters are given as examples. *20 minutes*

2.3 *Human rights – how do we compare?*

Students think critically about human rights in Britain. *25 minutes*

UNIT TWO: Making and changing the law

Aim: To show students how laws are made in Parliament and how these can be influenced by lobbying.

1 How Parliament makes law

The process of a bill becoming law (Unit 6, element 2). *45 minutes*

2 Lobbying

2.1 *Choosing the right moment*

Identifying the points in the law-making process when lobbying can be most effective. From this exercise you could move directly to section 3. *20 minutes*

2.2 *Planning a campaign*

How to campaign to influence a government decision (Unit 4, element 1). *50 minute*

2.3 *The active citizen: changing the law*

Applying what has been learnt about lobbying to a real situation. *50 minutes*

3 Suggestions for further study

(Unit 1, element 1; unit 7, element 1).

UNIT THREE: Democracy and disability

Aim: To consider the status of people with disabilities, as an example of a group to whom rights are denied.

1 Who disables whom?

1.1 *Getting into the topic*

Thinking about what disables a person. You could move directly to sections 2 or 3 at the end of this exercise. *15 minutes*

1.2 *A helping hand – the right to participate*

Students practise asserting their rights – in this case the right to participate in local democracy. (Unit 1, element 1). *50 minutes*

2 Making sense of statistics

Facts and figures on disability; questioning assumptions behind the statistics (Unit 2, element 3 – present the information in table form). *25 minutes*

3 The active citizen – campaigning for change

An interview with a campaigner showing how a particular pressure group is working to assert their rights as citizens. *50 minutes*

4 The politics of disability – charity or rights?

Continuing the themes from section 3, a further discussion about rights and charity to practise the skills of arguing a case. *25 minutes*

5 Suggestions for further study, and further information

(Unit 5, element 2 – telephone; unit 4, element 1 – letter).

UNIT FOUR: Health and citizenship

Aim: To consider health care rights and to review the skills necessary to ensure their rights.

1 Getting into the topic

1.1 *Word associations*

An exploration of the meaning of the word *sickness.* *25 minutes*

1.2 *Sickness and health*

A reflection on sickness and health – using a quotation from Susan Sontag's *Illness as Metaphor.* *15 minutes*

2 Illness and society

How are illnesses categorised: which carry blame; which are taboo; which go unrecognised? After completing this exercise, you could move directly to sections 4 or 5 (Unit 6, element 2). *45 minutes*

3 The entitlement to health care

Students consider what health care rights we are entitled to as citizens (Unit 1, element 3 – reference). *35/50 minutes*

4 Stating your case – at the doctor's

An exercise in asserting yourself at the doctor's (Unit 7, element 2 – using a recording). *45 minutes*

5 The active citizen: joining the community health council

An interview with a member of the CHC which reflects on the effectiveness of a lay person on a committee whose members are mostly professionals. *45 minutes*

UNIT FIVE: Education

Aim: To examine ways of becoming involved in the education of young people, and to consider the importance of life-long education.

1 What's it all about?

Making sense of recent changes to the education system. *45 minutes*

2 The active citizen

2.1 *School governor*

How effective can an ordinary person be on a committee of professionals? An interview with a parent governor. At the end of this exercise you could move directly on to sections 3 or 4. *45 minutes*

2.2 *Parents, pupils and schools – a contract*

An example of a contract between parents, teachers and pupils. *45 minutes*

3 Making sense of statistics

Some figures on the exclusion of pupils from secondary school; what information can we glean from these figures; what questions need to be asked (Unit 2, element 3)? *40 minutes*

4 Life after school

4.1 *It's only leisure*

If it's only leisure and recreation, why is it called Adult Education? An opportunity to discuss the purposes of adult education. *45 minutes*

4.2 *A life of learning?*

Preparing to lobby a local council on the right to life-long learning opportunities. Additional material can be found in Unit 2, section 2. *45 minutes*

5 Suggestions for further study

UNIT SIX: Justice and the legal system

Aim: To look at the way the legal system works and the extent to which it delivers justice.

1 Why have laws?

The impact of laws on our everyday lives. *20/30 minutes*

2 Criminal/civil: what's the difference?

The distinction between the criminal and civil legal systems. At the end of this exercise, you could move directly to section 3.2, 4 or 5. *40 minutes*

3 The active citizen

3.1 *Choosing magistrates*

Students consider the role of the lay person in the legal system, and ask if it provides adequate representation for wider society. *45 minutes*

3.2 *You – the jury*

How do juries work? Should everyone be required to serve on juries? You could move directly to section 5 on completing this work. *30 minutes*

4 Using the courts

A case study on preparing a case for court. *50 minutes*

5 Using the legal system – is it worth it?

Students consider the cost of using the legal system through case studies. *50 minutes*

6 Suggestions for further study

UNIT SEVEN: Belonging and unbelonging

Aim: To examine how citizenship is granted, and to consider why some citizens have more rights than others.

1 Getting into the topic

1.1 *What's in a word?*

Words expressing belonging and unbelonging. After completing this exercise, you could move to section 2. *20 minutes*

1.2 *Going back in time*

Students consider how most of our families have been *outsiders* at some time in their past (Unit 2, element 2). *20 minutes*

2 A sense of belonging

You could do either or both of the following exercises.

2.1 *Feeling as though you belong*

Students reflect on what makes us feel we belong in a society. *30 minutes*

2.2 *A mystical sense of belonging*

Students think about how a sense of belonging is used to justify actions against those who may not share this. *45 minutes*

3 How the club changed the rules

The changing status of British subjects and passport holders over the last 50 years. *50 minutes*

4 Joining the club

What criteria should be used for individuals to qualify for naturalisation? *45 minutes*

5 Suggestions for further study

Can they do that?
Learning about active citizenship

Assessment sheet

Unit number and title:

I have completed the above unit and assess my learning as follows:

Outcome:	**Circle a number for each outcome indicating progress, where 1 = no understanding, and 5 = fully learnt.**				
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**

Name of student _____ **Date** _____

Can they do that?
Learning about active citizenship

Assessment sheet

Unit number and title:

I have completed the above unit and assess my learning as follows:

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	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**
	1	**2**	**3**	**4**	**5**

Name of student _____ **Date** _____

UNIT ONE: What is Citizenship?

Aim: To consider the meaning of the terms citizen and citizenship, to relate these terms to human rights, and to discuss them in relation to Britain today.

1 Getting into the topic

This section could also be used as an introduction to any of the other units.

1.1 *Word associations* — *25 minutes*

Students are invited to explore the meaning of the word *citizen*.

1.2 *Quotations* — *20 minutes*

Ten quotes from a cross-section of people on the meaning of citizen (Unit 5, element 1; unit 6, element 2).

2 The rights of citizens

2.1 *Deciding what they are* — *45 minutes*

Students draw up their own list of human rights. A case study is provided for stimulus (Unit 1, element 1; unit 7, element 1).

2.2 *Charters and conventions* — *20 minutes*

Summaries taken from three charters are given as examples.

2.3 *Human rights – how do we compare?* — *25 minutes*

Students think critically about human rights in Britain.

Aim

In this unit, students are asked to consider the meaning of the terms *citizen* and *citizenship*, to relate these terms to human rights, and to discuss them in relation to Britain today.

Outcome

At the end of this unit, students should be able to:

- define the word *citizen*
- understand its origin
- distinguish between rights and responsibilities
- understand the nature of basic human rights
- understand that in reality, rights accorded to individuals may depend on that person's status, background, etc.

1 Getting into the Topic

1.1 Word associations

In this section, students are invited to explore the nature of the word citizen.

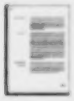
Allow about 25 minutes for this exercise.

- Explain the rules of brain-storming to the students: the tutor says a word and everyone in the group has one minute to write down any word that comes into their heads – a sort of free association. It is important for students to understand that there are no right or wrong answers.
- Give the students the word *citizen* – and ask them in the next minute to jot down all the words they associate with it.
- Now ask members of the group to call out the words. No justifications or explanations are allowed; every contribution is equally valid.
- List the words on a flipchart or board. The group will come up with a variety of words – such as person, women, born, town, voting, patriot, etc.
- Now ask students to suggest categories which would enable them to group the words in some way. *Individual and community* might be suggested, or *rights and responsibilities*. Alternatively ask members of the group to read the complete list and to suggest two or three words which capture the flavour of the list. Use these group names or descriptions to produce a definition or explanation of the word *citizen*.

1.2 Quotations

Students are asked to explore further the term citizen *and to highlight the place of rights and responsibilities within it.*

Allow about 20 minutes for this exercise.



- Give students – in pairs – copies of the quotations on page 26. Ask them to read each quotation carefully and to decide which one they find most interesting or feel most comfortable with.
- Invite each pair to report back on their discussion. Key points which may arise are:
  - the right to break the law in pursuit of a greater good
  - a sense of obligation towards those seen as less fortunate
  - tension between responsibility for oneself and for the wider community
  - taking part in the democratic process.
- At this point it will be useful to highlight the distinction between collective and individual rights, responsibilities and freedoms.
- As a concluding exercise, invite students to complete the sentence *'As a citizen I expect ...'*

  Share some of the responses around the group and reflect on any similarities.

2 The Rights of Citizens

2.1 Deciding what they are

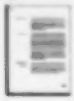
Students consider the nature of basic human rights and draw up their own list of fundamental rights.

Allow 45 minutes for this exercise, two approaches are offered.

Method one

- Ask students, in twos or threes, to explain what they understand by the term *human rights*. Encourage them to express this in a simple statement or single sentence.
- Compare responses from each group and encourage students to identify the difference between human rights and other rights – such as consumer rights or rights at work.
- Now ask students to suggest the kind of rights they would include in a charter of human rights. This task may be made more manageable by asking each group to propose just five rights, and from this to draw up a list for the whole group.

Method two



- Ask students about the position of a prisoner in her or his late 30s, convicted of a serious crime and sentenced to 20 years' imprisonment. Some students may find this question easier to answer with a specific example, although this will inevitably require more time. A case which you may wish to use is given on page 25.
- With students in groups of three or four – ask one half of the class to think of the rights a prisoner should be given at the start of his or her sentence, and ask the other half to think about the rights the prisoner has lost. When groups report back to the whole class, use their ideas to draw up a composite list of rights.
- Now ask students to use this list to form their own brief charter indicating those basic rights they feel should be available to *everyone*. International charters of human rights is the subject of the next section.

2.2 Charters and conventions

Students are introduced to a number of charters and conventions dealing with human rights and are asked to think about their value.

Allow 20 minutes for this exercise.

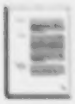
- Ask the group what documents/declarations they know which have addressed human rights. Brief details of some examples are:

Constitution of the United States of America	America	1788
Declaration of the Rights of Man and the Citizen	France	1789
Bill of Rights	America	1791
Universal Declaration of Human Rights	United Nations	1948
European Convention on Human Rights	Europe	1950

As an indication of the nature of such documents, give students the following two quotations.

Declaration of Independence, 1776: '*We hold these truths to be self evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*'

Declaration of the Rights of Man and the Citizen, 1789: Article 1: '*Men are born and remain free and equal in rights.*' Note the use of 'man' and 'men', but no mention of women.



- Divide the class into smaller groups of five or six, and give each of the groups one of the handouts on rights. These lists are slightly amended from the originals.

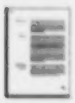
  Ask each group to choose one of the conventions and to check that they understand the meaning of each item. They should now decide whether further sections should be added, and if so, what these should be.
- For the feedback, compare the lists from the different groups and ask students to explain the rights that they have added. Ask if groups have considered such rights as:

  equality
  health
  dignity
  truth
  shelter
  economic survival
  freedom from fear and exploitation.
- Ask students what they feel is the value of charters and conventions on human rights.

2.3 Human rights – how do we compare?

Students think critically about aspects of human rights in Britain.

Allow 25 minutes for this exercise.



- Ask the group to consider whether freedoms in Britain are equally available, regardless of who we are. You may wish to refer back to students' earlier work on the fundamental rights they felt should be available to all.
- Now, again with students in twos or threes, give them each a copy of page 29, *Human Rights – how do we compare?*

  Ask students to complete the table by thinking about which groups are excluded from the list of freedoms, which have been drawn up from a number of United Nations documents.

In the feedback encourage students to support their views with examples and evidence.

- Ask the group if there is any means in Britain whereby these freedoms can be upheld, and point out that one means by which this is done in some countries is through a Bill of Rights.

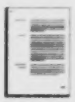
  Explain to students that there is no single document in which the rights of all citizens are set down. Sources of freedoms and liberties are instead spread through statute law, judicial precedents, textbooks and even the records of Parliament.

- If students wish to understand more about the issues surrounding the creation of a written constitution for Britain information is available from Charter 88, Exmouth House, 3–11 Pine Street, London EC1R 0JH, tel 0171 833 1988. Students can also undertake research in local town or city libraries using the ***British Humanities Index*** of articles from papers, journals and periodicals and *The Times Newspaper Index* available on microfilm.

3 Suggestions for further study

Details of citizenship rights and duties in rural India are given on pages 30–31. Students are asked to comment on the author's views.

No accident – but murder



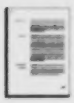
A police sergeant was sentenced to life imprisonment for the murder of his wife. The man, aged 34, was having an affair with a woman almost 15 years younger than himself whom he wished to marry.

He felt, however, that it was difficult for him to leave his wife and obtain a divorce in the normal way. The prosecution counsel alleged that the police officer was worried about the cost of a divorce and how it could affect his prospects of promotion to inspector.

The sergeant lured his wife into the garage at their home where he killed her with a single blow to the head. He then drove the body in his wife's car to an isolated beauty spot, where he attempted to fake an accident by deliberately crashing the car into a tree. The officer protected himself in the crash by wearing his police riot gear.

The sergeant then smashed the windscreen in his wife's car and left her body a few feet away lying in a stream.

At the scene of the crash, the police noticed that the driver's seat in the car had been pushed back to its full extent. The dead woman was only 4ft 11in, but her husband was more than 6ft tall. The sergeant was soon questioned by the police and his own car was taken away for examination. Inside the car the police found the sergeant's riot gear and truncheon – with blood on it corresponding exactly to that of his wife's.



Citizenship – What's it all about?

Ten people were asked what being a citizen meant to them. This is what some of them said:

1. *'It's about working together, helping each other. A good citizen is involved in the local community, doing things not just for herself but for other people.'*

2. *'As a citizen, there is a responsibility to challenge the suffering, pain and distress around me.'*

3. *' I believe that my real responsibility is to my fellow human beings, not merely to the country that gives me my passport. I see all this citizens' charter stuff as reducing that responsibility to a sort of consumers' rights –* ***I've paid my taxes therefore I'm entitled to a good service.*** *That's not enough for me.'.*

4. *'It's not a question of duty but responsibility to the communities I'm part of – to my black sisters and brothers, to my local neighbourhood, my family in the widest sense. These are all overlapping communities.'*

5. *'As a citizen, I've got a responsibility to rock the boat if necessary – and not just by using the so-called legitimate political process.'*

6. *'Being a citizen involves having a vote and using it properly.'*

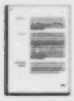
7. *'I grew up in England at that time just after the war when we all had the benefits of grammar school education, going to college, the national health service, and all that. We were middle class, and part of that up-bringing was learning that we had to give back to society something for these privileges.'*

8. *'I think it's all about obeying the law and doing what is right.'*

Our ideas about citizenship come from the Greeks. The term democracy comes from the Greek 'demos' meaning government by the people. Aristotle wrote 'A citizen is one who has a share in both ruling and being ruled'.

In Ancient Greece – 400 BC – half the population of Athens were slaves. But the free male members of the city – the citizens – elected representatives to govern the city and the surrounding countryside. A man could be a citizen if his father had been a citizen before him. The members of the city entrusted their government to elected representatives, and in return were entitled to certain rights as members of the city.

Citizens had duties to the city, as we do today – the duty to pay dues or taxes, to be called to defend the city, and loyalty to the community.

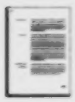


The Bill of Rights – United States of America

1. Freedom of religion, speech, the press; the right to assemble peaceably and to petition the government for redress of grievances.
2. The right to bear arms.
3. The government does not have the right to billet soldiers without the consent of the owner of the house.
4. The right to be secure in their person, house, papers and effects against unreasonable searches without warrant.
5. The right to silence.
6. The right to be tried by jury, to know the nature of the accusation, to be confronted by witnesses, and to have the assistance of counsel.
7. Freedom from excessive bail or fines, and cruel or unusual punishments.
8. Freedom from slavery.
9. All persons born in the United States or naturalised are subject to its jurisdiction and are citizens thereof.
10. The right to vote – regardless of race, sex or failure to pay a tax.

The African Charter on Human and People's Rights

1. Every individual shall be equal before the law.
2. All forms of degrading or inhuman treatment or punishment shall be prohibited.
3. No one shall be arbitrarily arrested or detained.
4. Every individual shall be entitled to a fair trial.
5. Rights to information, free association, assembly and freedom of movement are fundamental subject only to restrictions provided by law.
6. The right to property is guaranteed. It may only be encroached in the interest of public need.
7. Everyone shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.
8. The state shall ensure the elimination of every discrimination against women.
9. Colonised or oppressed peoples shall have the right to free themselves from the bands of domination by resorting to any means recognised by the international community.
10. Governments have the duty to eliminate all forms of foreign exploitation, particularly that practised by international monopolies to enable their peoples to benefit fully from the advantages derived from their natural resources.
11. States should undertake to eliminate all forms of economic exploitation, particularly that practised by international monopolies, so as to enable their people to fully benefit from the advantages derived from their natural resources.
12. All people have the right to a satisfactory environment, favourable to their development.



The European Convention on Human Rights

The European Convention on Human Rights was drawn up in the years immediately after the Second World War, in an attempt to ensure that the horrors of that period could not happen again. It is modelled on the **Universal Declaration of Human Rights** – adopted two years previously in 1948.

In signing or ratifying the Convention, the United Kingdom has agreed to abide by the principles set out in the document – but, unlike some other countries, it has not taken steps to incorporate the principles of the Convention into English law.

However, within the Convention there is the machinery to allow individual citizens or the governments of member states to report breaches of the Convention to the Commission of Human Rights – who, if a solution cannot be found, can refer the case to the Court of Human Rights. If the application is successful, the member country must change its law or risk suspension from the Council of Europe.

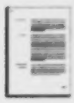
A well known example of this is the case of two Scottish parents who, in 1982, alleged that the practice of corporal punishment was a breach of the Convention. The Court found in their favour and as a result the government was forced to amend the law and to ban corporal punishment for all pupils whose education is paid for through state funding.

European Convention on Human Rights

All people, without discrimination, should be allowed:

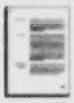
1. The right to protection of life by law.
2. Freedom from slavery and the right to liberty and security of person.
3. Right to a fair trial within reasonable time by an independent and impartial court.
4. No prosecution under retrospective criminal legislation.
5. Right to respect for private and family life, including one's home and correspondence.
6. Freedom of thought, conscience, religion, expression and opinion.
7. Freedom of peaceful assembly and association, including the right to form and belong to a trade union.
8. Right to marry and found a family.
9. Freedom from torture, or inhuman or degrading treatment or punishment.
10. No discrimination in the enjoyment of rights and freedoms on account of sex, race, colour, language, religion, political or other opinions, nationality or social origin, association with a national minority, property, birth or other status.

Human Rights – how do we compare?



Which groups in Britain are included and excluded from the freedoms listed below:?

	Included	Excluded
Freedom to...		
travel in this country		
travel outside this country		
practice any religion		
live in a relationship with a person of your choice		
peacefully assemble and associate		
teach ideas and receive information		
Freedom from...		
slavery and child labour		
torture and coercion by the state		
compulsory labour		
unfair discrimination		
political censorship of the press		
censorship of mail and telephone tapping		
unlawful police harassment		



A view from India

Winin Pereira, who lives in Bombay in India, was one of the country's leading nuclear physicists. However he became disillusioned with the science and gave up his research to spend more time on problems of social justice. Here he explains how societies in some parts of India are highly democratic and based on a strong sense of communal duty.

- After you have read the article try writing down in separate columns what you feel and what you think about his views.
- Do we, as citizens, have a duty to all fellow human beings – wherever they are in the world – and to the people of future generations?

Duties, rights and citizenship

In many Indian rural societies, ordinary farmers and working people sit down together to discuss community problems. In some cases it is just the council of elders who take the decisions, sometimes it is only the males, and in other cases it is all the adult members of the group. Often voting is avoided – decisions are reached by a consensus.

There is a strong sense of duty towards the community which is more important than the freedom of the individual. For example, on one occasion, a man fenced off his field to grow vegetables, taking more than his fair share of water in the process. By enclosing his field he had broken the rule that all village land was for free grazing once the main crop had been harvested. As punishment, the community decided that his fence should be broken down and his crop destroyed. In another case, a man cut down trees against the wishes of the rest of his community. He was made to stand all day in the sun in bare feet so that he could experience the effect of his crime.

It is social control such as this that has prevented the situation that has occurred in many parts of the country, where farmers and industrialists have overdrawn the ground water causing water tables, and therefore the water supply, to fall drastically.

These ancient systems of community management still survive in rural India today and can be more effective than going through the mainstream legal system, where such 'crimes' may not even be recognised. The rights and duties are traditional, though as new situations arise, their alteration or adaptation are usually handled with ease by the community. Perhaps it is something the West could learn from.

Democracy, freedom and citizenship

Britain laid claim to being the first democracy, and to having the mother of Parliaments – although it did, at the same time, deny the right of democratic self-government to the colonies that it occupied. In fact, in the process of colonising India, it destroyed the country's local self-government.

Democracy has in some ways been taken over by the West and sanctified as the only system that can provide justice. The only alternative is portrayed as a tyrannical dictatorship. This is a deliberately false choice.

Democracy comes from the Greek word meaning government by the people. But the Greeks were in a position to discuss and deliberate on democracy only because the slaves released them from the burdens of daily work. In Athens in 432BC, the time of Socrates, the number of slaves is estimated at about half of the population.

But today, in the standard democratic system, once elected, the voters have little control over their representatives, and the larger the represented region, the less democratic control there is likely to be until the next election. The interests of the most powerful groups are more likely to be served than those of small local communities.

In practice, the national interest, which the elected claim to foster and ask us loyally to support as good citizens, is often quite contrary to the interests of the ordinary person in the local community.

The 'national' interest is more likely to be that of big business, multi-national companies, and the defence and pharmaceutical industries. And more often than not, the national interest of the countries in the West is to the long term disadvantage of the people of the South.

As citizens we have to ask whether democratic states automatically deserve our loyalty; we have to ask whose interests are being served by our government's decisions.

UNIT TWO: Making and Changing the Law

Aim: To show students how laws are made in Parliament and how these can be influenced by lobbying.

1 How Parliament makes law

The process of a bill becoming law (Unit 6, element 2). *45 minutes*

2 Lobbying

2.1 *Choosing the right moment*

Identifying the points in the law-making process when lobbying can be most effective. From this exercise you could move directly to section 3. *20 minutes*

2.2 *Planning a campaign*

How to campaign to influence a government decision (Unit 4, element 1). *50 minutes*

2.3 *The active citizen: changing the law*

Applying what has been learnt about lobbying to a real situation. *50 minutes*

3 Suggestions for further study

(Unit 1, element 1; unit 7, element 1).

Aim

In this unit, students are shown how laws are made in Parliament and how these can be influenced by lobbying.

Outcome

At the end of this unit, students should be able to:

- describe how laws are made in Parliament
- understand how to influence this process through lobbying
- identify and use the skills of effective lobbying.

1 How Parliament Makes Law

The material in this section is designed to help students understand the main way in which laws are created by Parliament. Two different approaches are suggested.

Students' understanding will be helped if you are able to obtain copies of, or sample pages from, a party manifesto, a green and a white paper, a bill and a statute, and recent newspaper reports on Parliamentary legislation. Most local libraries will be able to help in this respect. Information is also

available from The Education Unit, House of Commons Public Information Office, Room L210, 1 Derby Gate, London SW1A 2DG, tel. 0171 219 4750/ 6573.

You should allow 45 minutes for this exercise.

As a starter activity, ask the group for the name of the local MP (or perhaps the name of a different MP from each group member), and what part MPs play in making laws.

Briefly explain that there are four main sources of law in England and Wales:

1 Case law
Decisions by judges in court set precedents for other courts to follow.

2 Private Members' Bills
Bills introduced by individual members of Parliament.

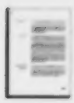
3 Government Bills
Bills introduced by the Government of the day.

4 European law
Laws enacted by Parliament, following directives from the European Community.

There are many reasons why a government may find it necessary to make changes in the law. For example, this can come about as part of its political programme, as a result of a court decision, or through treaty obligations into which the government has entered. Priorities are determined before the start of each Parliamentary session when a committee of the Cabinet draws up a list of the government's legislative programme. In addition to this a small amount of parliamentary time is given to Private Members' Bills – proposals for changes in the law, introduced by back-bench MPs. A Private Members' Bill may be on any theme except one which would impose a direct charge on public revenue. Not all Private Members' Bills become law – many are talked out by their opponents. However, well-known examples of Private Members' Bills which have become law include the Abortion Act 1967, the Homosexual Reform Act 1967, and the Murder (Abolition of the Death Penalty) Act 1965.

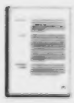
However, the focus of the activity in this section will be on legislation introduced to Parliament by the Government.

Method one



- Give each student a copy of page 36, *How laws are made*. Invite the group to read the text, to ask any questions of clarification and then to work in pairs to produce a flow-chart of the process. Some students may need guidance on approaching this.
- Ask one pair to talk through their flow-chart when it is completed, so that the others can check their work for accuracy.

Method two



- A pairs exercise in which students match the definitions and terminology of the parliamentary process.
- Duplicate (if possible on card) and guillotine page 37, and with students working in twos or threes, give each group a set of cards.

Shuffle the cards and ask students to match the legislative stage with its definition.

- Point out that the exercise has been simplified for clarity and that a Bill rarely passes smoothly from one stage to another, as the model implies.
- Ask one group to report back; use the information on page 36, *How laws are made*, to enable everyone to check their answers.
- Conclude each approach by referring to the materials (party manifesto, White Paper, articles, etc.) brought in by the students or yourself and ask students to link these with the flow-chart they have just created.

2 Lobbying

2.1 Choosing the right moment

In this section, students are asked to identify those points in the Parliamentary process at which lobbying is most effective.

Allow 20 minutes for this exercise.

- Ask students if they have ever been involved in trying to change a law as it goes through Parliament. If they have not, ask them to explain why.
- Explain to the group that action to block or change legislation can be called lobbying. (It is called lobbying because it traditionally involves meeting and persuading MPs in a large space in the House of Commons called the lobby.)
- Using the flow-chart that students have just produced, ask them to identify and explain those stages at which it would be most appropriate to influence and change the content of a law.

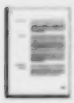
2.2 Planning the campaign

In this section students are learning about the reasons for targeting particular groups and individuals and how to do this effectively.

Allow about 50 minutes for this exercise.

- Set the scene by telling the group that the Government has just introduced a White Paper proposing the removal of local and central funding of the library service as part of its reforms of local finance. Remember, however, that the purpose of this exercise is not to debate the pros and cons of this measure, but to look at the most effective means of lobbying.
- Give out the grid on page 38 and ask students, working in twos or threes, to read it.
- Remind the group to consider both MPs and Lords under 'politicians', and local and national spheres under 'pressure groups' and 'media', and under 'trade unions' those which might be both directly and indirectly involved.
- You may like to share some quick examples around the group to make sure their suggestions are as imaginative as possible.

- Allow about 20 minutes for this part of the exercise. When completed, share the results – focusing particularly on the *why* column.



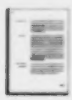
At the end of this exercise, you may like to give out page 39, *Ten ways to win your case* and either talk through it with the students, or invite them to read and add to it at home.

2.3 The active citizen: changing the law

In this section, students are asked to apply the skills of lobbying to a situation of their own choosing – preferably one which is of topical concern – and to apply their lobbying skills to a real life situation.

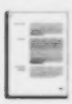
Allow 50 minutes for this exercise.

- Invite the group to choose either a current situation which concerns them – for example, the building of a bypass, the closure of a station or concern about a piece of national legislation. It is recommended that the group focuses on lobbying around legislative changes rather than more general issues, such as depletion of the ozone layer, or subjects such as river pollution, which may be solvable through existing powers or laws.

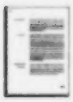


- Suggest that students use the grid from page 38 to plan their lobbying.
- If appropriate for the group, use the exercise to practise skills of letter writing, designing an information leaflet, collecting information, etc. This material may provide students with a framework for lobbying on a live local issue of interest.

3 Suggestions for Further Study



- In the article on page 40, adapted from the magazine *Education*, an MP describes his first-hand experience of membership of a Parliamentary committee considering the detailed wording of the new Education Bill.
- Many local and national organisations have experience of lobbying and are often willing to share this. Invite them to talk to the group about some of the work they have done.



How Laws are Made

The vast majority of laws are initiated and drafted by the Government. They are signalled in the Party Manifesto at election time. A few laws are introduced into Parliament by individual backbench MPs. These are called Private Members' Bills.

Ideas for new laws go through various stages before becoming law. Sometimes the Government will set out its ideas for a Bill in a discussion paper, known as a Green Paper, though nowadays it is not always, as it once was, actually bound in a green cover. This contains the main points that the new legislation will cover and is intended to be a consultation paper on which interested groups may give their views.

After this discussion stage a White Paper is produced which contains firm proposals and will be the basis of the Bill to be introduced to Parliament. Not all Bills are preceded by Green and White Papers, however. Sometimes less formal discussion takes place with interested groups, and the Bill is then drafted.

Finally the Bill is published, and is written in much more legalistic style by civil servants who specialise in the drafting of laws. It is presented to the House of Commons, usually by the relevant minister in the government, who generally just reads out the title. This is called the First Reading.

A short time later, the Bill comes back to the full House of Commons for the Second Reading. There will be a debate on the general principles of the Bill.

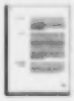
If the Bill is passed, it is sent to a small Standing Committee of about 18 MPs from all parties, roughly in proportion to the number of seats each party has in the House of Commons. They argue the details of each of the Bill's clauses and amendments may be made. This is known as the Committee Stage.

The Bill then goes back to the House of Commons for the Report Stage and the Third Reading. The Report Stage gives the whole House the chance to look at the amendments made by the Standing Committee and decide whether to accept them. The Third Reading is their last chance to look at the Bill as a whole and to accept or reject it. Often both these stages are taken at the same time. Unless the measure is really controversial, it is usually a foregone conclusion that the Bill will be approved.

The Bill then goes to the House of Lords where it is similarly debated and voted on. The Lords tend to be less bound by party loyalties than the Commons and less predictable in how they will vote. The Lords may amend or even defeat a Bill, (unless it deals with money). If this happens, the Bill must be returned to the Commons for the amendments to be considered. Usually a compromise is reached. If it is not, the Lords have the power to delay a Bill for a year; after that it becomes law whatever their objections.

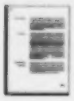
The agreed Bill then goes for Royal Assent – in practice a formality. The Bill then becomes an Act of Parliament and becomes law, from whatever date is laid down.

Stage Match



Sort the cards – matching each stage of the passage of a Bill with the correct explanation. Then put the stages (and explanations in the correct order).

Green Paper	A document, published by the Government, with some general suggestions for the ways in which a law could be changed or introduced.
White Paper	A document setting out firm proposals on how the Government intends to change the law.
A Bill	An Act before it becomes law.
First Reading	The title of the Bill is read out in the House of Commons.
Second Reading	The general principles of the Bill are discussed by MPs in Parliament.
Committee Stage	A committee of MPs from all parties meet to discuss in detail the exact wording of each section or clause of the Bill.
Report and Third Reading	Changes made to the Bill in Committee are reported to the House and MPs decide whether to accept them.
Passage through the House of Lords	The Bill is debated by members of the House of Lords, following the same stages as the House of Commons. If changes are made, the Bill is returned to the House of Commons where it is discussed again by members of the committee.
Royal Assent	The final stage before the Bill becomes law. Bills are no longer personally signed by the Monarch, but are instead approved by a committee of three members of the House of Lords.



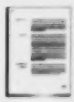
Gaining Friends and Influencing People

As part of its new Reform of Local Finance Bill, the Government has issued a White Paper announcing its intention to remove local and central funding from the library service.

In reaction to this – what methods of lobbying can you suggest. Who, why and how would you lobby?

	WHO?	WHY?	HOW?
Politicians			
(a) Local			
(b) MPs			
(c) Lords			
Pressure groups			
(a) Local			
(b) National			
Trade Unions			
(a) Directly involved			
(b) Indirectly involved			
Professional bodies			
Commercial interests			
Media			
(a) Local			
(b) National			
Other			

Ten Ways To Win Your Case



- **Numbers count** — Get as much active support as you can.
- **Solidarity** — *Don't get side-tracked on tactical disagreements.*
- **Organisation** — *Five hundred letters need someone to lick the stamps.*
- **Be inventive and creative** — *Cause a stir, hit the media.*
- **Know what you want** — Keep it simple. Three key points are quite enough.
- **Divide and rule** — Don't always lobby the opposition; look for friends and waverers amongst the enemy.
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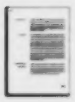


Is it Democracy?

An MP gives his first impressions of serving on a Parliamentary committee looking at the fine detail of the Education Bill.

For the past three months, we have met twice a week from 10.30am until often well past midnight for the purposes of, at least in theory, discussing every detail of the Education Bill, which will affect the future of every school in England and Wales.

The reality, however, is a little different. I have been an MP for less than a year, and this is the first Committee Stage in which I have taken part. As a newcomer I was in for quite a shock.

Everyday, huge amounts of lobbying material were delivered to my desk. Letters arrived from individuals and every conceivable interest group – from Steiner Schools to the Spastics Society. Suggestions and demands to amend the Bill were not, however, confined to these. MPs, both Government and Opposition, tabled more than 1,000 amendments themselves – proof to many that the legislation had been drafted too quickly, with insufficient thought given to its consequences.

The political balance of the 33-strong committee reflected that of the House of Commons, giving Government MPs a majority of one. But this was the shock – there was virtually no discussion or debate. I had imagined that points of amendment would have been keenly fought over, with Government MPs rebutting Opposition claims or searching for consensus amongst different points of view. No such luck. We proposed our amendments, the Minister responded, and the amendment was usually voted down.

I say 'usually' – because sometimes Government members of the Committee actually agreed with the changes that we, the Opposition were demanding, but couldn't be seen to be doing so. The answer? We drop our opposition. The Government propose their own amendments (which are remarkably similar to our own) – and hey presto, they're accepted! If we had pushed for a vote, it is most likely that the Government would have voted down an amendment that they agreed with. At times it seemed that the Government side was largely made up of those who could be trusted not to rock the boat.

After six weeks there was pressure on us to work faster. This is achieved by guillotining the debate. As a result whole sections, such as those dealing with religious education, went through without any discussion at all. Furthermore, not only does the guillotine prevent debate, it also automatically allows through any Government amendments, many of which were not part of the original Bill.

It is clear that if we were inventing democracy today, we would not choose to start making laws like this. It's a funny old world, as someone once said.

Adapted from an article in Education *by Don Foster, MP for Bath (12 February 1993). The Bill is now law, and was given the Royal Assent to become the Education Act 1993.*

UNIT THREE: Democracy and Disability

'The most important thing is to be independent. To be your own boss. To be treated like a normal person and a citizen and to have rights'

(Gary, reported in *Disability Equality in the Classroom: a Human Rights Issue*, Rieser and Mason, ILEA 1990)

Aim: To consider the status of people with disabilities, as an example of a group to whom rights are denied.

1 Who disables whom?

1.1 *Getting into the topic*

Thinking about what disables a person. You could move directly to sections 2 or 3 at the end of this exercise. *15 minutes*

1.2 *A helping hand – the right to participate*

Students practise asserting their rights – in this case the right to participate in local democracy. (Unit 1, element 1). *50 minutes*

2 Making sense of statistics

Facts and figures on disability; questioning assumptions behind the statistics (Unit 2, element 3 – present the information in table form). *25 minutes*

3 The active citizen – campaigning for change

An interview with a campaigner showing how a particular pressure group is working to assert their rights as citizens. *50 minutes*

4 The politics of disability – charity or rights?

Continuing the themes from section 3, a further discussion about rights and charity to practise the skills of arguing a case. *25 minutes*

5 Suggestions for further study, and further information

(Unit 5, element 2 – telephone; unit 4, element 1 – letter).

Aim

In this unit, students are asked to consider the status of people with disabilities – as an example of a group to whom certain rights are denied.

Outcome

At the end of this unit, students should be able to:

- understand more about the rights of people with disabilities
- argue the case for and against disability anti-discrimination laws
- understand how to pressure for change
- have a clearer understanding about the interpretation of statistical information.

1 Who Disables Whom?

1.1 Getting into the topic

In this section, students are asked to think about disability, and in particular, what makes a person disabled.

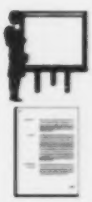
Allow 15 minutes for this exercise.

- Give out the cartoon drawing on page 45, *'I thought access was a credit card....'*. Ask the group to think of people they know who have the same difficulties as the people in the cartoon.
- Ask the group if there has ever been a time in their lives when they would not have been able to get into this library –through a temporary illness or impairment. Did they think of themselves as disabled at the time?

  Remind the group that disabilities are not just those which are visible, i.e. wheelchairs and white canes.
- Ask the group if they agree with the statement: *'people aren't disabled – it is society which disables them'*.

1.2 A Helping Hand – the right to participate

In this section, students are asked to practise the skills needed to assert their rights – in this case the right to participate in local democracy.



Allow about 50 minutes for this exercise.

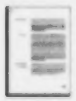
- Give each student a copy of *A Helping Hand*, pages 46–47, and set the scene: a class of students has decided to attend a committee meeting of the borough council at the local Town Hall. One of the students is profoundly deaf and so the group writes to the clerk of the committee to request a signer. Details of the clerk's response are given, and students are asked to decide how they would react were they in the same position as the group.

  Use a mixture of silent reading and group discussion during the exercise.

2 Making Sense of Statistics

In this section students are invited to expand their knowledge about disability by exploring the assumptions that may be made about the presentation of statistics.

Allow 25 minutes for this exercise.

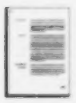


- Give each student a copy of page 48, *Disabled People: the facts and figures.*
- Working in pairs, ask students to look at the figures carefully and to highlight anything they find surprising
- Share the observations around the whole group.
- Point out to students that the heading on page 48, *Disabled People: the facts and figures* can be seen as implying that they provide the reader with a detailed description of disability in Britain. Do students agree? Ask what important information is not provided about disability in Britain.

3 The Active Citizen – campaigning for change

In this section, students are asked to consider how a particular pressure group is working to assert their rights as citizens.

Allow about 50 minutes for this exercise.



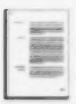
- Invite the group to read the interview on pages 49–50, pausing briefly to discuss the questions at the end of each section.
- After reading the interview and discussing the points, ask them: if you wanted to stop a large fund-raising event, such as the Telethon or Miss World:
  - what methods would you use?
  - what alliances would you build?
  - what slogan would you adopt?

4 The Politics of Disability – charity or rights?

In this section, students have the opportunity to discuss further the relationship between rights and charity, and develop the skills of arguing a case.

Allow about 25 minutes for this discussion.

- Start by asking students to suggest the names of all the charities they can think of which are concerned with disability. List these on a board or flipchart.
- Ask students to think about the names adopted by the charities on their list. Does the wording emphasise the medical condition or illness of the disabled, or a concern for the enhancement of their rights?
- In David's interview, pages 49–50, he distinguishes 'rights' from 'charity'. The following exercise expands the debate beyond disability to embrace other groups, such as pensioners and the poor.



- Give out page 51. Ask students to read each of the quotations, and to pick out two that they particularly agree with.
- Ask students to explain why they chose these, and if they can suggest

other ways in which the desired outcome could be achieved. For example, how could the care of elderly people be improved in ways which do not involve money?

- If time allows, extend the discussion by raising the following questions with students:
  - what happens to those dependent on charity when times are hard?
  - who gains what from giving to charity?
  - what is the distinction between 'charity' and 'voluntary' work?
  - would you be comfortable with all the support for the elderly being moved into the charity sector?

5 Further Information

- In 1986 the European Community recommended to member states that appropriate measures should be taken to promote fair opportunities for disabled people in the sphere of employment. However in Britain, the main legislation concerning this dates back to the Disabled Persons Employment Acts 1944 and 1958, where it states that an employer with 20 or more workers should ensure that a quota of three per cent of the workforce are registered disabled persons. But it is worth drawing students' attention to the fact that these statutes are not properly enforced.

  Also note that it is a requirement of the Companies Act 1985 that reference to the employment of disabled people should be made in the annual report of all companies employing over 250 people.
- The Civil Rights (Disabled Persons) Bill is due to become law in 1995. It is, however, generally criticised by groups representing the disabled for failing to ensure equal rights for disabled people and depriving them of the kind of redress available through the sex and race discrimination legislation.
- Anyone wanting further information or wishing to get involved in the national campaign for a change in the law should contact:

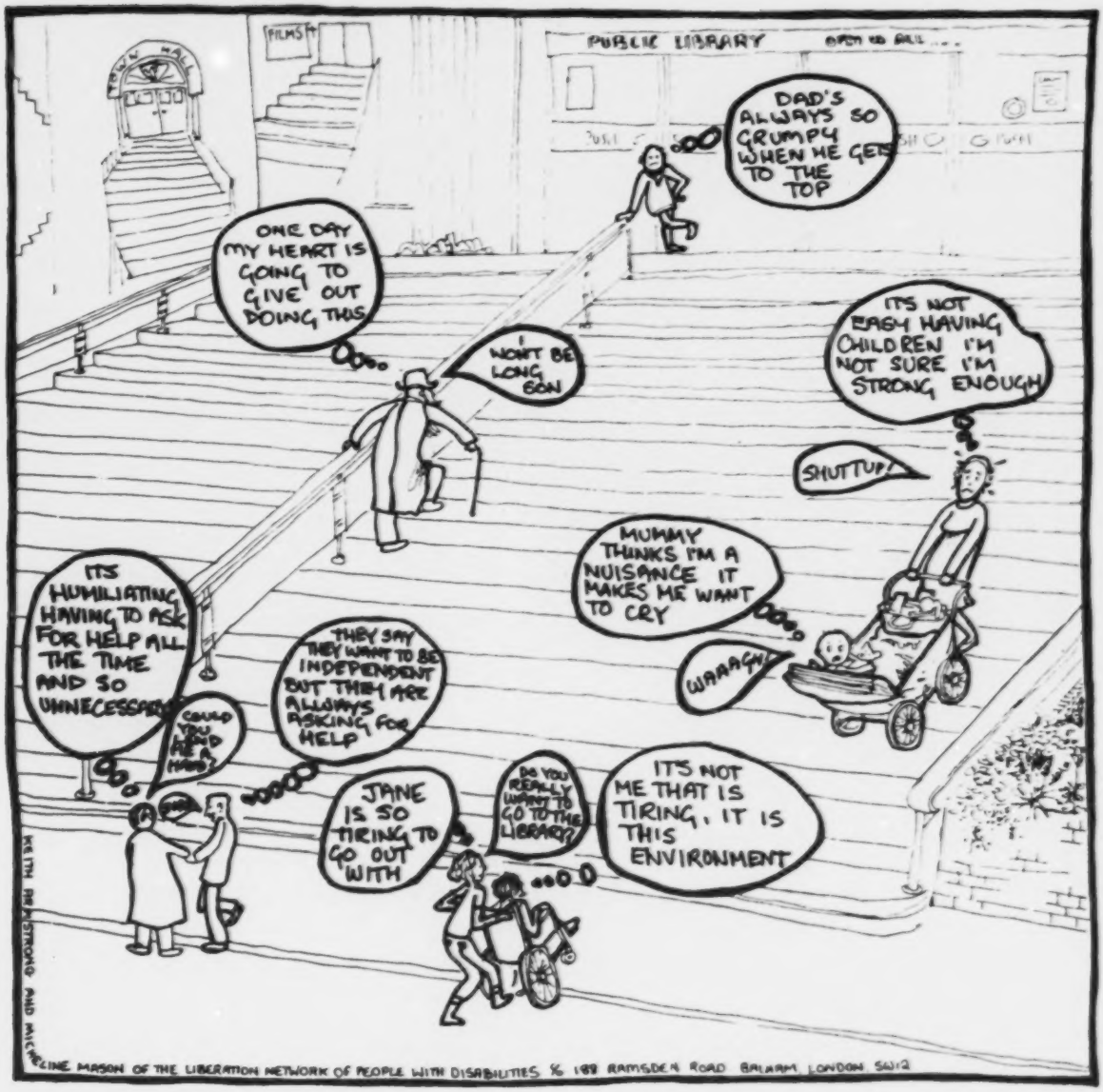
The Disability Alliance
1st Floor East, Universal House
88-94 Wentworth Street
London E1 7SA
Tel 0171 247 8776

The British Council of Organisations of Disabled People
Litchurch Plaza
Litchurch Lane
Derby
Derbyshire DE24 8AA
Tel 01332 295551

Voluntary Organisations for Anti-Discrimination Legislation
Newpoint House
76 St James' Lane
London N10 3DF.

I thought ACCESS was a credit card

..... until I discovered STEPS


PUBLIC LIBRARY
FILMS
DAD'S ALWAYS SO GRUMPY WHEN HE GETS TO THE TOP
ONE DAY MY HEART IS GOING TO GIVE OUT DOING THIS
I WON'T BE LONG SON
IT'S NOT EASY HAVING CHILDREN I'M NOT SURE I'M STRONG ENOUGH
SHUT UP!
MUMMY THINKS I'M A NUISANCE IT MAKES ME WANT TO CRY
WAAAGH
IT'S HUMILIATING HAVING TO ASK FOR HELP ALL THE TIME AND SO UNNECESSARY
COULD YOU LEND ME A HAND?
THEY SAY THEY WANT TO BE INDEPENDENT BUT THEY ARE ALWAYS ASKING FOR HELP
JANE IS SO TIRING TO GO OUT WITH
DO YOU REALLY WANNA GO TO THE LIBRARY?
IT'S NOT ME THAT IS TIRING, IT IS THIS ENVIRONMENT
KEITH ARMSTRONG AND MICHELINE MASON OF THE LIBERATION NETWORK OF PEOPLE WITH DISABILITIES 16 189 RAMSDEN ROAD BALHAM LONDON SW12

steps affect us all ....

(This cartoon taken from *Disability Equality in the Classroom: a Human Rights Issue*, Rieser and Mason, ILEA 1990)

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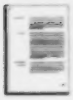


A Helping Hand

A class of students decide to attend a council meeting at the Town Hall. One of the students is profoundly deaf.

Having decided to visit the Town Hall and observe a council committee meeting, we wrote to the clerk of the committee, told her the date and time we were coming and asked for a signer – if there was not usually one available. We also asked for information on access.

We got a letter back saying that there would probably be room for us in the public gallery, but that there would not be a signer, and that access to the building was 'quite good'.

What do you think about the council's response and what would you do next?

We were determined that every member of our group would go to the committee and be able to follow the proceedings. We were angry at the work we had to do to make this possible.

We discussed the reply from the clerk and decided to write another letter, indicating that:

- the response we had received was not good enough
- it did not match up to the Council's equal opportunities policy
- it was the Council's responsibility to provide facilities for all people, otherwise people with disabilities would be denied their rights to attend council meetings.

Recently we had been watching a television series presented by people with a disability. Someone had made the point that it wasn't whether you had arthritis or asthma that was the problem, but that the event was being held on the third floor, and there wasn't a lift!

We sent off the letter, but two weeks later we still hadn't heard anything.

Discuss what you would do next

The date of the meeting was getting closer. We were angry at the delay in receiving a reply.

We decided to write to two local councillors with copies of both our letters.

What would you write to the Councillors?
- **What would you ask them to do?**
- **Whose name and address would you put on the letter?**

Within days of sending the letter, the College Principal got a phone call from the Administration Manager saying that the Council did its best about access, but was unable to meet everyone's demands. The Principal, however, backed our case and said that all members of the public had rights of access. By the end of that week we had received all the details of access to the Town Hall, and the promise of a signer at the committee meeting.

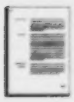
The manager also invited us to phone her if we had any other requests or difficulties. We were pleased, of course, but the result was only as it should have been in the first place.

One of the group suggested we write a final letter to the manager thanking her for her reply, and asking how the Council was going to ensure that other groups did not have the same problems in future. We did this, reminding her that the annual meeting of the local Council of Organisations for People with Disabilities was set for the end of the month, and five hundred people would be attending.

She replied fairly promptly, saying that she was going to put our letter on the agenda of the next Resources committee, and that she would keep us in touch with progress.

Would you be satisfied with this response?

What do you learn from this story?



Disabled People: The Facts and Figures

Incidence:	6,202,000 disabled adults in Great Britain 14.2% of the adult population
Where do they live?	93.2% (5,780,000) live in the community 6.8% (422,000) live in institutions
Age:	41.8% (2,595,000) are 16–65 years of age 5.8% (340,000) are 16–30 years of age
Sex:	58.5% (3,631,000) disabled women 41.5% (2,571,000) disabled men

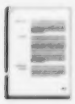
Percentages of disabled people:	**Working**	**Not working**
Men	6%	64%
Women	31%	69%

52% of disabled men under 30 years of age are not working

HMSO 1988 (Sept), OPCS Surveys of Disability Among Adults: Report 1

The Active Citizen

Campaigning for change



David is a solicitor with a local authority. He is active in the politics of disability, working in his spare time for various pressure groups including a local group of the British Council of Organisations of Disabled People, and Regard – a group for lesbians and gay men with disabilities.

'The disabled people's movement in Britain is battling for three goals:

- the right to independent living,
- anti-discrimination legislation
- positive imagery in the media.

'Our current focus is the legislation. We want a law which would make it illegal to discriminate against people with disabilities. Our basic rights to work, to housing, to a whole range of equal treatment are withheld by society at present. You know that two thirds of disabled people who live at home are unemployed. And for those that do work, their average income is 47 percent lower than for the able-bodied population. We want a law which makes this sort of discrimination illegal.'

Think of three ways in which people with disabilities are discriminated against in employment.

Think of three ways young people with disabilities are discriminated against in education.

'We want the law to be modelled on the Sex and Race Discrimination Acts. For example, a law would force local councils to include access facilities to all new buildings. The United States passed the Americans with Disabilities Act in 1990, and the United Nations issued a Human Rights Declaration on disability in 1975.

'The present Minister has said that he is "not convinced" a law is necessary, so our best hope is to get a backbencher to introduce a Private Members' Bill.

'We have already tried this several times. In 1992, a Bill was introduced, but the Government "talked it out". They talked about it for so long that time ran out, and it never got beyond its first reading. The Government chose an MP with disabilities to do this. It gave their opposition more credibility. He said: "They don't want to be given special treatment; they want to be treated the same." The trouble is there is a world of difference between treating people the same, and treating them equally!'

- The Minister, in his statement to the House of Commons said, 'I do not wish to rule out legislation, but I feel that for the time being, it is best simply to continue to encourage, educate and increase awareness.'

Do you agree?

'But over the last ten years, people with disabilities have become very organised. It's very hard to ignore a group of self-organised voters.

'Most of us do not support the disability charities. They turn us into medical problems – not citizens whose rights are denied. They tap people's feelings of sympathy and guilt. You hear people say: "Oh, I couldn't cope if I was in that situation", and they give money to make themselves feel better.

'But that money can't buy our rights back.

'The annual Telethon is one example of this. Its saps people's attention away from the real issue – the fight for rights. If all the people who gave money or organised events to raise money wrote and told their MP – "I'll only vote for you next time if you support a change in the law" – we would have legislation on the books tomorrow.

'We are now a very powerful lobby. We write to and meet MPs, the Minister, the Prime Minister. Our strength is our numbers. Over six million people have a disability, and that means we make up 10 per cent of the population. Our vote is our strength.'

Do you accept David's arguments? How do they make you feel?

- In England a hundred years ago, hospitals were mainly funded by charitable donations. In society, 50 years ago, there was a widespread feeling that the sick should not depend on charity for their care – and the National Health Service was set up in 1948.

Reflecting on David's arguments, what are the limits of tackling a problem by giving to charity?

Charity or rights?

"It's a sign of a civilised society that people feel a sense of responsibility towards those less fortunate than themselves."

"People don't pity their equals or patronise them. We all have a right to be treated as equals."

"In the short term it is hard for people in need to say no to the money. But it damages the chances of long-term stable provision."

"People give to beggars because they are taught to look at the effects of poverty, not the causes. And it makes them feel better, less powerless."

"In this school we encourage children to raise money for Help the Aged, because we want to bring out the best in them and teach them to care for others. We all have a need to give."

"Charity posters reinforce the sad, passive, unfortunate image of poverty and disability that we are fighting so hard to eradicate."

What do these quotes tell you about citizens' rights?

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UNIT FOUR: Health and Citizenship

Aim: To consider health care rights and to review the skills necessary to ensure these rights.

1 Getting into the topic

1.1 *Word associations*

An exploration of the meaning of the word *sickness*. *25 minutes*

1.2 *Sickness and health*

A reflection on sickness and health – using a quote from Susan Sontag's *Illness as Metaphor*. *15 minutes*

2 Illness and society

How are illnesses categorised: which carry blame; which are taboo; which go unrecognised? After completing this exercise, you could move directly to sections 4 or 5 (Unit 6, element 2). *45 minutes*

3 The entitlement to health care

Students consider what health care rights we are entitled to as citizens (Unit 1, element 3 – reference). *35/50 minutes*

4 Stating your case – at the doctor's

An exercise in asserting yourself at the doctor's (Unit 7, element 2 – using a recording). *45 minutes*

5 The active citizen: joining the community health council

An interview with a member of the CHC which reflects on the effectiveness of a lay person on a committee whose members are mostly professionals. *45 minutes*

Aim

In this unit, students are asked to consider their health care rights, and to review the skills necessary to ensure those rights.

Outcomes

At the end of this unit, students should be able to:

- understand some of the ways in which illness is perceived
- describe how their entitlement to health care could be delivered

- deal effectively with medical practitioners and other professionals
- have sufficient understanding of Community Health Councils and Family Health Service Authorities to enable their participation in these organisations.

1 Getting into the Topic

1.1 Word associations

In this section, students are invited to explore the meaning that the word 'sickness' has for them.

Allow about 25 minutes for this exercise.

- If it is necessary, explain the rules of 'brain-storming' to your students: the tutor says a word, and students have one minute to write down any word that comes into their head – a sort of free association. It is important that students understand that there are no right or wrong answers.
- Give the group the word 'sickness' –and ask them in the next minute to jot down all the words they associate with it. Now ask the group to call out the words. No justifications or explanations are allowed; every contribution is equally valid.
- List the words on a flipchart or blackboard. Ask the group if they can see any patterns or themes. Ask each member to pick out a word they can closely identify with. Invite individuals to share their choice with the group.

1.2 Sickness and health

In this section, students are asked to reflect on the nature of sickness and health in life.

Allow about 15 minutes for this exercise.

- Read the following extract from *Illness as Metaphor* by Susan Sontag (Farrar, Straus and Giroux; New York 1978). You could invite the group to close their eyes while listening.

  'Illness is the night-side of life, a more onerous citizenship. Everyone who is born holds dual citizenship, in the kingdom of the well and in the kingdom of the sick. Although we all prefer to use only the good passport, sooner or later each of us is obliged, at least for a spell, to identify ourselves as citizens of that other place.'
- Invite comments from the group about this extract. Ask them to share their feelings and their thoughts. How would they describe *'the kingdom of the sick'* ?
- With some groups, you may want to expand the exercise – invite the group to sketch an image for the cover of the two passports – for the kingdom of the well, and the kingdom of the sick.

2 Illness and Society

In this section, which is in two parts, students are asked to reflect on how they personally categorise illnesses and how illness is perceived in society at large.

Allow about 45 minutes for this exercise.

- Ask students, working in twos or threes, to think of conditions:
  - which are not normally recognised as illnesses
  - which are taboo
  - for which the patient him or herself is blamed
  - which are treated as illnesses.
- In the feedback, the group will probably suggest such examples as ME, stress-related and emotional illnesses, AIDS-related illnesses, pre-menstrual tension.
- Now ask the group to share their examples and to consider the following questions:
  - what is the effect of the taboo or blaming the patient or the medicalisation of the condition or illness?
  - why some conditions and illnesses are treated in this way?
  - what effect can this have on a person's human rights?
- Write the following terms on the board, and invite students, in twos or threes to discuss how healthcare is affected by one issue from the list. When they have had enough time, ask them to share their views with the whole group.

Race Gender Age Language Sexuality Class

3 The Entitlement to Health Care

In this section, students are asked to think about what health rights we are entitled to as citizens. Two approaches are offered. The latter is designed for students from rural communities.

Allow about 50 minutes for this exercise.

3.1 The Grand Design

- Ask students to think of a situation in a hospital or surgery, etc., where they have been (a) satisfied and (b) dissatisfied with their treatment. Encourage students to interpret the word treatment broadly, for example, in a medical, social or intellectual fashion.

  Ask students, in each case, to give examples of the ways in which these took place.
- Students are invited to design the ideal local health service – the perfect general practice.
- Ask the group to imagine the ideal service, and – in threes – to decide:

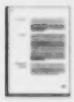
  Group 1: the name, the location, the opening hours, payment and fees

  Group 2: the design or floor plan of the centre, the facilities

  Group 3: the range of medical services, the range of home care services, the range of treatments

Group 4: a code of practice governing the way patients are treated by clerical and medical staff at the centre.

- When the groups have completed their work, ask students to outline their proposals and invite comments from others.



- Now give students copies of page 58, *The Patient's Charter*, or your local Family Health Services leaflet. Page 58 contains a summary of key points from the Government's recent document. Guides to your local family health services are obtainable through the Family Health Services Authority – whose address can be found in the local phone book.

  Ask the group to check their ideal service against the rights listed in these documents. Ask them to highlight any omissions or add any further comments.
- Finally ask students to check whether the following criteria are met in both their own plans and the official charters.

  Do they make reference to the need to:
  - treat people as individuals and respect their differences
  - see the individual as a whole person
  - allow choice
  - provide and ensure quality and equality?
- If there is not enough time available to complete the above exercise, you may wish instead, with your students, to draw up a list of good practice extrapolated from the good and bad points listed at the start of this section. These can be redrafted in the form of a charter, and compared with *The Patients' Charter*, described on page 58.

3.2 In the country

Allow about 35 minutes for this exercise.

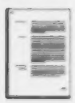
- If students are from a rural area, invite the group to list the differences in relation to health care between living in a large town and living in the country.
- Now ask the group, in pairs, to draw up a list headed *In rural areas the ideal service is ...*

  Compile the list on the board, and ask students in what ways their ideal matches reality.

4 Stating your Case – at the Doctor's

Students are asked to think through the tactics for asserting themselves at the doctor's. A woman is feeling out of sorts, and discusses this problem with a friend. She decides to go to the doctor – accompanied by her friend – but does not receive the treatment to which she feels entitled. If time allows, the dialogue can be put on audio tape before the start of the lesson, or students can look through it for five minutes, before reading the parts aloud.

Allow 45 minutes for this exercise.



- Invite students to read (or play back) the playlet, on pages 59–61. Suggest that they discuss the key questions in pairs for a few minutes, and then share some views briefly around the group.

- At the end of the exercise ask two additional key questions:
  - why doesn't the doctor take Marjorie's symptoms seriously?
  - how do you change your doctor?
- If members of the group are uncertain about their right to change their doctor, and how to do this, pass on the following information.
  - Each local area has a Family Health Services Authority. Ask the group to nominate one member to phone the FHSA, the number will be in the phone book, to ask for a general leaflet about what they do, and information about how a person may change their doctor.

5 The Active Citizen: Joining the Community Health Council

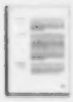
In this section, students are asked to review the skills needed to participate effectively on a committee like the CHC.

Allow about 45 minutes for this exercise.

- Start this section by checking that students understand the role of the Community Health Council.

  Community Health Councils are designed to represent the interests of the public within the National Health Service. There is one Community Health Council for each district health authority. Membership of the Council is made up of appointments from the Regional Health Authority, the local authority and local voluntary organisations.

  The job of the Community Health Council is to keep a check on the working of the National Health Service in the local area and should be consulted on all future local developments. The Council also considers complaints about the working of the local service.



- Provide each student with a copy of page 62, and give the following introduction to the group.

  Paul is a member of the Community Health Council. He is there as a representative of a local black community organisation. His particular interests are sickle cell anaemia and care in the community – particularly as it affects older black people. He completed an application form and his nomination went forward. He was wary of joining such an organisation, knowing from past experience that to make an effective contribution can be difficult.
- Now invite the group to read the interview with Paul, and to discuss the questions briefly at the end of each section.

  Ask the group –working in threes –to list the points they would want to check out before accepting a place on the CHC.

  Share the list with the group, and ask at the end of the interview with Paul whether he checked out the same points or not.

- Ask if students have knowledge or experience of a Community Health Council. If they do, raise the following questions with them. (If not, the points may be used as the basis for futher study).
  - Why are committees like these set up?
  - Are they effective?
  - Do they serve the interests of the whole community? If so, how?
  - Although independent bodies, Community Health Councils are funded by the Government. Can they therefore be effective watchdogs?

The Patient's Charter

The Charter is designed by the Government as part of its programme to improve the National Health Service.

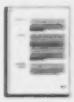
Every citizen has the following rights ...

- to receive health care on the basis of clinical need, regardless of ability to pay
- to be registered with a GP
- to receive emergency medical care at any time, through a GP or emergency hospital departments
- to be referred to a consultant acceptable to the individual concerned, when his or her GP thinks it is necessary, and to be referred for a second opinion if the individual and GP think it desirable
- to be given a clear explanation of any treatment proposed, including any risks and alternatives
- to have access to his or her own health records
- to choose whether or not to take part in medical research or medical student training
- to have any complaint about the NHS investigated, and to receive a prompt reply
- not to have to wait for more than two years for virtually any treatment.

The NHS will also ensure that all patients are ...

- given respect for privacy, dignity and religious and cultural beliefs
- able to use the available services, including those with special needs
- provided with an emergency ambulance service – to arrive within 14 minutes of the call in a town and 19 minutes in the country
- given an immediate initial examination and assessment of needs in an accident or emergency department
- seen within 30 minutes of their appointment
- allowed continued health and social care after their discharge from hospital.

Stating Your Case ...



At the Doctor's

Marjorie It's been ages since I've felt really well.

Pat How long has it been like this?

Marjorie Oh, it must be about two years now. I think I've got slowly worse and worse. Some weekends I don't get up until 12 o'clock.

Pat Well, you deserve a lie-in every so often.

Marjorie Yes, but it's happening too much, and I don't feel any better for it – in fact I feel worse – even more tired and low. By the time I've done the hoovering I'm finished.

Pat It's not right. I've noticed that you never do anything after work any more. From what you tell me, you come in from work at six and you're in bed by eight. It's no life you know. I think you should go and see a doctor about it.

Marjorie To be honest, I'm really worried about going. I always get nervous and feel as though I shouldn't be taking up their time.

Pat Marjorie, that's what they are there for. It's your right. You've paid for the service for the last thirty-odd years. You don't have to have something terrible before you go.

Marjorie I know you're right. But what if she thinks I'm lazy by staying in bed all the time? What if she says I have to pull myself together and it's because the kids have gone and I'll soon get over it.

Pat If she says you are lazy – tell her not to be so cheeky, and if she says it is because of the kids going, ask how she knows that – she'd just be guessing, and you don't go there for her to have a guess.

Marjorie I feel ashamed about it. I should be able to pull myself together and get on. But I just can't and I daren't talk to anyone else.

Pat Look, you need to do something, and I'm going to help you.

What do you think Pat can do to help Marjorie? Make a note of what she could do, or talk about it to someone else for a few minutes. This is what Pat did.

Pat Right, so I'll meet you outside the surgery at 5.30, and we'll go in together. It's horrible having to wait on your own.

Now let's go through again the list of questions that you are going to ask.

Marjorie Well, the first one is, 'Do you mind if my friend comes in with me?'

Pat Which you're only asking to be polite – because they can't say no.

Marjorie Yes, so when I'm sat down, I'm going to tell her...

... how I've been feeling,
... for how long,
... what at times I have thought it might be – you know that I've got some terrible disease and am about to die.

Pat OK, now read me back what your symptoms are.

C1

Marjorie Tiredness, feeling very low a lot of the time, aching bones, headaches, and not getting off to sleep till about three in the morning. And I get snappy.

Pat It's not surprising with all this going on. Anyway carry on.

Marjorie Well, I'm going to take this list in with me, and tick each thing off as I say it, or she answers it.

Pat That's right, and I'm going to be taking notes about what she says so we can talk about it afterwards.

Marjorie Yes, and I'm going to ask to see her in a week's time after I've had a think about what she says and what she thinks I should do.

Pat Mmm. Lovely. Well I'll keep my mouth shut, unless you tell me to take over, or unless you've missed out one of your questions.

Marjorie Don't you think this is all a bit over the top?

Pat No, I do not. I used just to go in and say a few words and listen and then take the pills they gave me, until a few years ago, but not now. Not after what happened to me. Now I make sure they do some listening, and serious listening, not just nodding their heads while they write out the prescription.

Have you had a similar experience to Pat's at the doctor's? Did you do anything about it?

In the Surgery

Doctor Right then, that's the end of the examination. I'm happy to say that everything is quite normal – blood pressure included.

Now from what you have been saying, you've been feeling a bit down.

Marjorie Well yes, but I think...

Doctor It's not surprising at all. It's very common. This weather doesn't help either, I know. I'd like you to start taking things easy, eat regularly and then to come back and see me in a month.

In the meantime, I'd like you to take these (writing prescription) – just two a day – and tell me next time whether you notice any improvement. OK?

What would you now say to the doctor? This is what Marjorie and Pat said.

Marjorie Well the problem is that I already eat well and rest enough. And what are those pills?

Doctor Well, they are new on the market, and they really are the best. They will help you to relax properly, and not get so anxious about everything. I really do think they will help.

Marjorie Well maybe you are right, but what are they?

Doctor Their trade name is *Restassure* and they help you to relax. I think some of your problems are to do with tension and anxiety. And of course with all the changes in your life over the last few years.

Pat Now look, I've got to say something before I burst. This woman has dealt with changes all her life, she's not one to complain for nothing, and

C2

she knows how to feed herself. She's told you what her symptoms are, and you tell her everything is normal. Well her life certainly isn't normal, that's why she's here.

What are those pills exactly? Are they tranquillisers?

Doctor Well yes, but they are very mild.

Pat Well she's not having them.

Marjorie No, I'm not.

Doctor In that case, I really don't know what I can do for you. Perhaps if you keep a record of your symptoms, and come back in a month, I can see if there is a pattern. But if you don't take my advice, there's nothing I can do.

Marjorie Well I'd like to see someone else. I'm not happy.

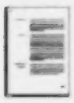
Doctor I'm sure they'd say the same as me. I think it would be a waste of time.

Marjorie Maybe if I kept a note.

Pat Keep a note! Keep a note and get worse. She's not at all well. Writing it down won't make it any better. What she wants is to see another doctor as soon as possible, to have another view on the matter.

Doctor Is that what you really want?

Marjorie Yes, it is.



The Active Citizen – Community Health Council

'They have a really good induction for new members. They gave me a pack of easy-to-read information, and met with me for two hours to talk through the work of the council. They also assigned me a mentor. This proved to be invaluable. She briefed me on all the factions in the Council – but in a very objective way. Without this I would have been completely lost at the first meeting.

'The first meeting was difficult to find – you know what hospitals are like. It was held in a large, impressive room – a bit like a Council chamber – with wine and peanuts, and polite chit-chat. Lots of very well-to-do voices. I had been forewarned but I was still taken aback. I forced myself to contribute; but I felt that they were just listening politely – you know – new member, black person. I thought it would be like a community meeting, after all it is called the Community Council. It was more like a meeting of local worthies.

'I was shocked by some of the scoffing and arrogance of the majority when someone spoke out or took an unpopular line. This happened to one woman. She spoke ordinary language, not using all the technical terms that the others had been bandying around. The following speaker was really patronizing and rubbished her contribution. I thought she was entitled to a little more respect – so I intervened.

What would *you* say in this situation, if you were Paul?

'At the last meeting we had someone come in from the Health Authority to give a talk. I'd been warned that the so-called professional language would be difficult to follow.

How would you prepare for this talk and what would you say during the meeting?

'I got together with my mentor and a couple of others before the meeting and we arranged a sequence of interventions during the talk: "You're going to have to stop and explain that point." The speaker got the point eventually. I had a word with the Chair at the end of the meeting.

What would you say to the Chairperson?

'We get reams of paper to read, a lot of it in very technical jargon. I work hard to cover all the reading. But I'm very clear why I'm there, and I trust my feelings and judgments about standing up for the things I believe in, even when they come back with so-called logical and *professional* argument.

'I know they tokenise me. All they really want is black faces. But I'm in control of that even if sometimes I feel angry and intimidated inside. I make my contribution through the smaller groups, because in the big meetings they seem to be preoccupied with the procedures and not rocking the boat.

C4

'I check out everything back with my own community group and with people I trust. I talk through tactics, rehearse my intervention, clear up my thinking. I can see lots of ways in which I can work very positively for the interests I represent. But in the end it will be in spite of that structure not because of it.

'I'm just not prepared to stay quiet and uninvolved. Silence is louder than words; non-action is action.'

What strategies does Paul use to be effective?

UNIT FIVE: Education

Aim: To examine ways of becoming involved in the education of young people, and to consider the importance of life-long education.

1 What's it all about?

Making sense of recent changes to the education system. *45 minutes*

2 The active citizen

2.1 School governor

How effective can an ordinary person be on a committee of professionals? An interview with a parent governor. At the end of this exercise you could move directly on to sections 3 or 4. *45 minutes*

2.2 Parents, pupils and schools – a contract

An example of a contract between parents, teachers and pupils. *45 minutes*

3 Making sense of statistics

Some figures on the exclusion of pupils from secondary school; what information can we glean from these figures; what questions need to be asked (Unit 2, element 3)? *40 minutes*

4 Life after school

4.1 It's only leisure

If it's only leisure and recreation, why is it called Adult Education? An opportunity to discuss the purposes of adult education. *45 minutes*

4.2 A life of learning?

Preparing to lobby a local council on the right to life-long learning opportunities. Additional material can be found in Unit 2, section 2. *45 minutes*

5 Suggestions for further study

Aim

In this unit, students are invited to consider how to become involved in the education of young people, and the importance of an entitlement to a life-long education.

CG

Outcomes

At the end of this unit, students should be able to:

- formulate questions which help them evaluate recent changes in education
- state some of the advantages and disadvantages of being a lay-person working with professionals as a school governor
- consider the role of parent/guardian in relation to the school
- understand some of the issues surrounding exclusions from school
- debate the notion of the right to life-long education.

1 What's it All About?

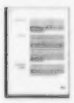
In this section, students are asked to examine the recent changes in primary and secondary education.

Allow about 45 minutes for this exercise.

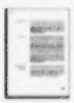
- Put the following statement on the flipchart or blackboard, and ask the group to call out any recent changes in education that they have heard about.

  'We believe in partnership with parents, choice in schools and a good grounding in the basic skills all children need to make a success of their lives.' From *The Best Future for Britain*; The Conservative Manifesto 1992.

- Points raised may cover:
  - publication of exam results
  - delegated budgets
  - a national curriculum
  - testing at key stages
  - opting out of schools
  - city technology colleges
  - funding more closely based on pupil numbers
  - an increase in the number of parent governors.



- Follow this by giving each student a copy of page 69, *Years of Change*, summarising some of the key changes in education since 1944. Note that the last 15 years, in particular, have been a period of rapid change.



- Give each student a copy of page 70 *Choice and Democracy*, and ask them in pairs to:

  (i) look at the points in the first (numbered) list, and consider which ones obviously improve the choice and control of schools for parents

  (ii) match quotes in the second (lettered) list with those in the first. *(Note there are not equal numbers of quotes. Students should use the double boxes to match up the lists, e.g. A 4, C 1 etc.))*

- When they have matched the quotes, ask each pair of students to share their observations with the whole group.
- Ask them in threes to try and agree how the word *choice* should apply to the education of young people.

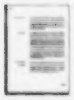
2 The Active Citizen

2.1 School governor

In this section, students are asked to think about some of the difficulties of being a lay person working amongst professionals.

Allow about 45 minutes for this exercise.

- Begin by asking students what they know about the work of school governors. Ask them to describe what they think it involves. Use the words *feelings* and *behaviour* as prompts for discussion, and make a note on the board of what is said. Some students will be governors themselves. Ask them to comment on their experience with particular regard to these headings.



- Now turn to *Avis – Parent Governor* (page 71). After the group have read her account, ask them, in pairs, to discuss the following questions
  - what is the advantage to the school of having Avis as a governor?
  - what is the advantage to Avis in being a governor?

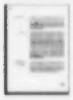
  Invite the pairs to share some of their thoughts with the whole group.
- Finally, ask the group to work in threes to draw up a list of assurances they would want from the school, if they were asked to stand as a parent governor. Collect these on the flipchart or blackboard.

2.2 Parents, pupils and schools – a contract

In this section, students consider how parents can best be involved in the education of their children.

Allow 45 minutes for this exercise.

- Most schools try to encourage active participation by parents and carers. Ask the group *why* this is so.



- One comprehensive school has drawn up a contract between parents/carers, pupils and the school. Give students a copy of this, page 74, and invite the group, in pairs, to complete the parts of the contract that have been left blank. When the exercise is complete, discuss together the effectiveness of such a contract.

3 Making Sense of Statistics

In this section, students are asked to extend their understanding of why pupils are excluded from school by questioning the conclusions that can be drawn from the statistics.

Allow 40 minutes for this exercise.

- This topic is complex and the tutor needs to be aware of the potential for racism in discussing the explanation for the high level of exclusions of black youngsters from schools.

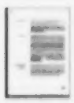
  Before embarking on this exercise, you may like to consider the following points, which may prove useful in managing the discussion.

  Inherent difference – Students may say that boys are always more badly behaved than girls. This may imply some kind of inherent difference between the sexes. Probe this by asking *how* boys behave badly and *how* girls behave badly. Students may also say that black

children are worse behaved than white children. Ask them for evidence, and whether this behaviour is an effect or a cause.

Pathologise the group – Students may say that the root of the explanation lies in the family – that there is some deficiency in, for example, working class or Afro-Caribbean families, and that therefore children from these backgrounds are more likely to have behavioural problems. Ask them to justify the implication that certain groups in society have a 'better' model of family life. Alert them to the dangers of generalised value-judgements about a whole group.

Looking at society – Students may see exclusions linked to the social and economic position of many such children and young people in society. Some may blame the young people themselves. Again pressure students to justify views of this kind.



- Give students page 72, *Indefinite Exclusions From Secondary Schools*, and ask them to consider the following questions:
  - What other information do you need in order to make sense of these statistics?

  Pool students' answers before moving on to the second question:
  - What issues of race and gender do these raise for you that do not blame the students or their families?

  Again pool the answers and then move into larger groups of three or four to consider the final question:
  - If you were a parent governor at school C or H, what questions would you want to ask the headteacher and how would you go about looking into this problem?

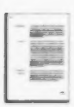
4 Life After School

4.1 It's only leisure!

In this section, students are asked to debate the usefulness of distinguishing between vocational education and classes for leisure and recreation. This unit caters for those students who prefer to discuss post-school education.

Allow about 45 minutes for this exercise.

- Begin the topic by asking students to list those forms of education which are statutory and those which are not. In the Further and Higher Education Act 1992 a distinction is made between vocational and non-vocational courses and a legal requirement is placed on local authorities to provide adequately for individuals' social, recreational and leisure needs. However, there is no definition of what the word adequate means and there are fears that in some areas services are being drastically cut.



- Give students page 73 and ask them to read the case study, and then ask the following questions:
  - is is it helpful to divide adult education classes into vocational versus leisure?
  - do adults need a distinctive type of provision?
- Women form the vast majority of adult education students in Britain and many other countries. Ask the group if they can see any parallels

between women's work in the home and the provision of their education.

4.2 A life of learning?

In this section, students debate the notion that all of us have a life-long entitlement to education.

Allow 45 minutes for this exercise.

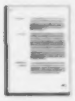
- Ask students to look back at the human rights that they debated in Unit One. Was education among them? What does the right to education mean?
- Invite the group to work in threes to draft lists of the benefits and costs of the rights to life-long education.

  Share the statements around the group, and list all the benefits on the flipchart or blackboard.
- Suggest that the group draft a letter to their local councillor or MP, asking her or him to state where they stand on a commitment to adult education, and how they intend to realise that commitment.

5 Suggestions for Further Study

- Suggest that one of the group invites a local headteacher or a governor to come and address the group. Ask students to plan the topic they would like the visitor to address, and to decide how they would like the session to be run.

Years of Change



Some important changes in the law affecting schools in England and Wales, since 1944

1944 The raising of the school leaving age to 15, and the creation of separate stages of primary, secondary and further education.

1965 The Government told all local authorities to draw up plans for introducing comprehensive education.

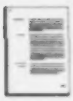
1980 An Education Act requiring local authorities to make arrangements for enabling a parent to express a preference as to the school where her or his child will be educated.

1981 The Education Act, required local authorities to identify children for whom they are responsible with special educational needs and to ensure that these needs are met either within the mainstream or special school system. Further government statements following this Act make it clear that children with special educational needs should, where at all practicable, join in activities in school with children who do not have such needs.

1986 The Education (No. 2) Act made changes to the governing bodies of schools – increasing parental and business representation and requiring governors to arrange annual reports and meetings for parents.

1988 The Education Reform Act created a national curriculum, requires schools to run their own finances, allows schools to opt out of local authority control, establishes city technology colleges and wound up the ILEA (the Inner London Education Authority).

1992 The Education (Schools) Act brought about changes to the school inspection service, gave the Secretary of State the power to require schools to publish information which the Secretary of State feels assists parents in their choice of schools, and created further regulations for the inspection of religious education.



Choice and Democracy

The legislation

1. The school is given a sum of money for the year, which it can spend as it chooses.
2. Parents have a greater say in how a school is run by being represented on the governing body.
3. The annual budget is based upon pupil numbers – so much money per pupil; therefore the more pupils in a school, the larger the budget.
4. A school can opt out of local authority control and become 'grant maintained', accountable to its governors and the Secretary of State.
5. Each school must publish its exam results; this is designed to help parents choose between schools.
6. Schools have open enrolment, allowing them to recruit pupils without restrictions such as geographical boundaries, thus allowing more choice to parents.

How parents/guardians see it

A. *I'd be willing to do my bit as a governor, but with three kids and a part-time job, how could I find the time?*

B. *We wanted her to go to Leigh Grove, but it was full. The other school is five miles away, and I don't want her to travel that distance on winter evenings.*

C. *As a governor it's a good chance to have a say about how the money is spent, but the only important decision we made last year was about cutting posts and increasing class sizes.*

D. *My child was taunted with racist abuse in the playground. I complained to the class teacher, the Head and the chair of governors. They just tried to pacify me. Last year I could have taken it to the local Director of Education, but the school opted out in June – so who do I appeal to now? The Secretary of State?*

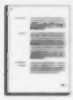
E. *The three parent governors are professional middle-class people. They don't represent all the parents at all, but they do bring useful skills to the governing body.*

F. *Lisa is 11 and has special needs. But with more and more schools opting out, how many of them are going to welcome her?*

G. *Sushila's school was at the bottom of the list when they published the exam results – but she did really well on the printing course, spending a day a week at a local firm, where she now works. I'm worried about the future of the school.*

H. *Our school is in danger of closing down because of falling student numbers.*

Avis – Parent Governor



We asked Avis why she decided to stand for election as a parent governor of a large comprehensive school in London.

'My parents were from Jamaica. When I was at school, it was simply not possible for them to be involved in my education, for a variety of reasons. I don't love them less for that, but I wanted to be there for my son in a way that my parents could not be there to help me.

'I thought that my support would help Winston to achieve at school. If he knew I was taking an interest he would be spurred on in his work. And he does. He works hard and keeps up even when it's tough for him.

'He's never actually said this, but I think he's quite proud to have a mother who is a school governor.

'I find the work very interesting. When I first started, I thought I would find it frightening. I still do sometimes. Everyone seems to have more technical know-how than me. It's a lot of work and responsibility. We are dealing with a budget of thousands of pounds, and I am having to cast my vote on complex financial matters along with people who have a lot of financial expertise.

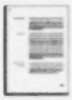
'I sit on the panel that deals with expulsions and suspensions – they are called exclusions now – and that is a big responsibility. Of course I worry about how many black pupils are being excluded because I am sure that some of the decisions are racist.

'In my job I work with figures, and I work in quite a small company, so I don't really have the opportunity to use all my experience in the way that I do as a governor. I think my own life helps me to understand something about what life is like for these children, and it's important in a school to have that contribution from someone who is not too involved on a day to day level. As a single parent, I have to organise my time very carefully, but it's worth it.

'My one regret is that I don't have more contact with other parents. It is difficult to ***represent*** *them when you don't know many of them.'*

The governing body of Avis' school is made up of the following people....

2	Teacher Governors	*10*	Parent Governors
1	Local Councillor	*1*	Former Councillor
2	Business People	*3*	Community Representatives
1	Solicitor	*1*	Financial Adviser
4	Educationalists		plus the Headteacher



Indefinite Exclusions From Secondary Schools

Ethnic and gender breakdown

School	8		9		10		11		12		13		14		15	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
A	1		3													
B		6		2		3		1		2						
C	3		5	1	2											
D	2				3											
E				1												
F																
G			3		1											
H	3	1	5													
I				3												
Total	9	7	16	7	6	3		1		2						
	16		23		9		1		2							

These figures are taken from official statistics. The codes at the top of the table represent the following ethnic groups.

8	White	*12*	Indian
9	Black – Caribbean	*13*	Pakistani
10	Black – African	*14*	Bangladesh
11	Black – other	*15*	Chinese

Learning as an Adult

Sylvie, aged 30

'I left school at sixteen with only a few CSEs and went to work in a bank. Over the next few years I worked mainly in an office environment, often feeling unstretched and frustrated.

'Three years ago, a friend of mine asked me to go with her to an aerobics class at the local college. It fitted nicely in with my Mum being able to look after the two youngest kids for a couple of hours. The college was friendly and treated you as an adult. Half way through the year, my friend suggested I join her. I was a bit reluctant – having played truant for most of my school days, and being a bit ashamed of my ability to do even the simplest of sums. The Centre had a creche which was fine, and the classes tied in with school times anyway, so I could be back at the school gates to pick up my eldest without any worries.

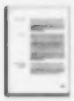
'I found the class friendly and uncompetitive. This encouraged me to think of other courses and I joined an English GCSE evening class where I got a grade A. The classes were really stimulating, and I discovered that I had the capacity to study. The following year I signed up for a two-day a week General Studies course.

'That July my Mum fell ill and for the next ten months I didn't really have the time to devote to it. I used to go out just one evening a week to do a creative writing course – to keep up my enthusiasm.

'Studying for four years has enabled me to develop enormously, personally as well as academically. I did cause a bit of upset at home at first. My partner got a bit anxious about the ideas I was coming home with, but he's now talking about doing GCSE English himself. And despite working part-time and having the three children, adult education classes have offered me the chance to study at my own pace and have accommodated my family and work commitments.

'Last year I went off to a further education college and took a CNAA certificate. Next September I am going to Roehampton Institute to start a BA.

'The sky's the limit. It's changed my life. But I would never have survived at the local college among all those kids.'



A Contract Between Home and School

	School	Parent/ Guardian	Pupil
Work	To provide work of a suitable standard so that each student can engage with the work and be challenged by it.		To complete all work set to the best of my ability.
Homework		To encourage my child to complete her/his homework and to provide, to the best of my ability, suitable conditions for this.	To complete all homework to the best of my ability.
Marking		To place attention to comments made about my child's work and behaviour.	To take note of all comments about my behaviour and learn from them.
Discipline		To encourage my child to treat all members of the school community with respect and courtesy.	To treat all members of the school community with respect and courtesy.
Attendance	To inform parents of every absence.	To take all written and verbal comments about my child's progress and conduct seriously, to talk to staff about my concerns and to attend parents' evenings regularly.	To attend school regularly.
Information	To give detailed information to parents about their child's progress. To listen to parents and to take their concerns seriously.		
Complaints		To discuss with school staff any concerns/ complaints I may have and to expect them to be listened to seriously and acted upon if necessary.	To discuss any concerns I may have with a member of staff.

UNIT SIX: Justice and the Legal System

'Law grinds the poor, and rich men rule the law,'
Oliver Goldsmith, writer and poet, 1730–1774

Aim: To look at the way the legal system works and the extent to which it delivers justice.

1 Why have laws?

The impact of laws on our everyday lives. *20/30 minutes*

2 Criminal/civil: what's the difference?

The distinction between the criminal and civil legal systems. At the end of this exercise, you could move directly to section 3.2, 4 or 5. *40 minutes*

3 The active citizen

3.1 Choosing magistrates

Students consider the role of the lay person in the legal system, and ask if it provides adequate representation for wider society. *45 minutes*

3.2 You – the jury

How do juries work? Should everyone be required to serve on juries? You could move directly to section 5 on completing this work. *30 minutes*

4 Using the courts

A case study on preparing a case for court. *50 minutes*

5 Using the legal system – is it worth it?

Students consider the cost of using the legal system through case studies. *50 minutes*

6 Suggestions for further study

Aim

In this unit, students have the opportunity to look at the legal system and to consider to what extent it delivers justice.

Outcomes

At the end of this unit, students should be able to:

- describe some of the workings of the legal system
- state how citizens can be actively involved in the legal system

- understand the relative access to justice that is available to different citizens
- identify strategies for using the system effectively.

1 Why Have Laws?

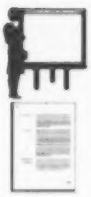
Students consider the reasons for laws in society, and whether all laws are, by definition, just.

Allow about 20 minutes for this section, and at least 30 minutes will be required if the second approach is used.

- Give students the question often asked by Socrates, 'Tell me what is law?' – and ask them, in pairs, to give the philosopher an answer. Invite students to share their answers with the whole group.
- An alternative approach to the same question is to ask students, again working in small groups, to *draw* their answer on a large sheet of paper. Explain that they are free to discuss what to put down – but that their page should contain no words – just pictures, symbols, etc. When they have had enough time to complete this ask students to interpret the work of each group.
- Whichever approach you use, it is important to draw together students' comments and observation under clear headings, such as protection, freedom or control, and to encourage them to substantiate their views with examples.

2 Criminal/Civil: What's the Difference?

In this section, students examine the distinction between the criminal and civil legal systems.



Allow about 40 minutes for this section.

- Give each student copies of *The Legal System* and *Criminal and Civil Law*, pages 80 and 82, and invite the group to read them. When they have done this, ask them to decide whether each of the following legal matters are covered by criminal or civil law, or both.

		Criminal Law	Civil Law	Both
1	Murder	❑	❑	❑
2	Trespass	❑	❑	❑
3	Racial Harassment	❑	❑	❑
4	Secondary picketing	❑	❑	❑
5	Divorce	❑	❑	❑
6	Slander	❑	❑	❑
7	Parking on a double yellow line	❑	❑	❑
8	Erecting a building without planning permission	❑	❑	❑
9	Not paying a train fare	❑	❑	❑
10	Injury to a pedestrian by a speeding driver	❑	❑	❑

Answers to this question are provided on pages 83–84.

- If students are likely to find this task too difficult, begin this section instead by providing them with the above list of actions, with each one preferably printed on a small slip of paper. Sitting in threes or fours, ask students to check that they understand the meaning of each term, and then to sort the slips into two groups. Do not at this stage indicate what these two groups should be, but encourage students to search for some kind of qualitative difference in the examples. In the feedback, compare each group's response and use page 80 to support the discussion on how illegal actions are classified in law.

3 The Active Citizen

3.1 Choosing magistrates

Students consider the role of the lay person in the justice system – as a magistrate.

Allow about 45 minutes for this exercise.

- Explain to students that there are several ways in which the citizen can become involved in the legal system. Ask the group to list some.

  Examples students give may include jury service, being a lay visitor to a police station or a prison (including prison chaplaincy), being a special constable or member of a police committee or being a magistrate (or justice of the peace).
- Indicate that you are going to concentrate on the work of magistrates, and ask the group to share what they know about the magistracy as a whole. Prompts for this might include scope and nature of a magistrate's work and how they are selected.

  The following information may be useful in support of this discussion. Most magistrates (also known as Justices of the Peace or JPs) are lay people who act as unpaid judges in court. These courts deal with minor criminal offences and domestic cases. They also deal with young people under 18 in special courts now known as *youth courts*, although serious offences are heard in Crown Courts.

The bench

Each court has a bench – the name given to a pool of magistrates. The declared policy of each Lord Chancellor (the head of the judiciary) since 1945 has been that each bench is a microcosm or cross-section of the local community and this amounts to seeing that ...'there are at least some justices from each of the principal social and political groups in the area and that the Bench is not dominated by any one group.' (Sir Thomas Skyrme, former Secretary of Commissions.)

Black and white

People who apply to become magistrates are asked by the Lord Chancellor's Department to state their ethnic origin and the way in which they voted in the last election. The Department's evidence shows that magistrates' benches are not balanced. There are fewer Labour than Conservative voters among JPs, and far fewer black people proportionate to their number in the general population.

- Ask the group why they think that magistrates tend to come from the white middle classes, and what level of education is needed to be a magistrate. Could they imagine a bench made up of working class magistrates?
- Ask the group to split into threes and to draw up a list of qualities and experience they think prospective JPs should have.

  You could pose this problem by asking them to imagine that five more magistrates were being recruited to their local bench and to suggest what requirements or qualities each should have.
- Share the ideas with the whole group, and now ask them to consider, in pairs, whether they themselves would meet this criteria.

- If members of the group want to know how to apply to become a JP, suggest they write to the Lord Chancellor's Department, Neville House, Page Street, London SW1P 4LS.

3.2 You – the jury

Students review the value of trial by jury.

Allow about 30 minutes for this exercise.

- Explain to the group that jury service is one of the duties of the citizen. Cases in criminal courts, and sometimes civil courts (in libel and false imprisonment cases) are heard before juries whose job is to return a verdict on questions of fact put to them by the Court, and decide whether the accused is guilty or not guilty. The job of the judge is to ensure that the correct procedure is followed during the case, to explain the law to the jury and to point out the key facts before they leave the Court to reach their decision. If the accused is found guilty, the judge (usually a man) then passes sentence.
- Ask the group how many members have served on a jury . Ask them for their impressions about how easy/difficult it was for them to arrive at a judgement.
- Ask the group to list the benefits and difficulties of justice being decided by 'twelve men and women good and true'. Pool the points on the board/flipchart.
- Divide the group into two or more groups of appropriate size, and ask them to debate the following statement:

  We should only allow people of a certain intelligence and experience to sit on juries, otherwise unfair decisions will be reached.

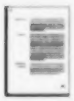
  List the reasons for and against on the board/flipchart and agree a majority decision. Ask the group to state the consequences of the outcome.

  (Before they hear a case in Court, members of a jury should be given an information booklet and shown a short video indicating the sequence of events that they will encounter in Court.)

4 Using the Courts

In this section, students learn how to prepare to take a case through a county court – and where to get help in doing so.

Allow about 50 minutes for this exercise.

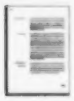
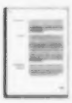


- Give students copies of the story of Anita, pages 85–86, and go through it section by section, pausing after each part to discuss the 'key question' with the whole group.
- The group may like to arrange a visit to the local county court and to look out for the same things that Anita observed in the case study.

5 Using the Legal System – is it worth it?

Students consider the cost of using the law.

Allow about 50 minutes for this exercise, or 30 minutes if you only do one of the case studies.

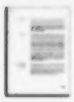



- Provide each student with the information on legal aid, page 87–88, and invite students to read it through.

  Ask the group for comments: has anything surprised or angered them, etc?
- Give each student copies of the case studies of Rahul and Julie, page 89, and invite quick questions for clarification. Then ask the group, in threes, to answer the following questions:
  - What action would you take were you a parent of Rahul and/or Julie?
  - What are the possible emotional or financial costs of taking this action?
- Now ask students to read the details of the legal steps open to either of Rahul's parents and to Julie, and ask them to consider the likely success of the suggestions they made earlier.

6 Suggestions for Further Study

- Several parts of the court system are open to members of the general public whilst the court is sitting, these include magistrates', Crown and county courts along with industrial tribunals. It is best to contact the court clerk beforehand to check the cases on the day you propose to attend, along with the capacity of the court, particularly if you intend to take a large group.
- You may also wish to invite a local magistrate to talk to your group and answer questions. If you do not know of someone you can contact direct, write to the court clerk explaining that you would like a magistrate to come to college and indicating the areas of a magistrate's work in which your students are most interested. The clerk will normally make some enquiries on your behalf and then pass on to you a list of names whom you may wish to contact.



The Legal System

Making the law

The law in England and Wales is based on what is known as *statute* and *common law*. The laws in this country are now also influenced by European Community law, the European Convention on Human Rights and other international obligations.

Statute law

Statutes, which are also known as *Acts* or *Acts of Parliament*, are created by MPs in Parliament.

The number of laws created by Parliament has grown hugely in recent years. They come in all shapes and sizes from the Intoxicating Substances (Supply) Act 1985 – which bans the sale of intoxicating substances to young people under 18 (written down on less than one side of paper) to the Environmental Protection Act 1990, which runs to 164 sections and more than 30 pages – and some taxation laws run to between three and four hundred pages.

Common law

The term common law applies to those laws which have been handed down through history but, unlike Acts of Parliament, have never been codified.

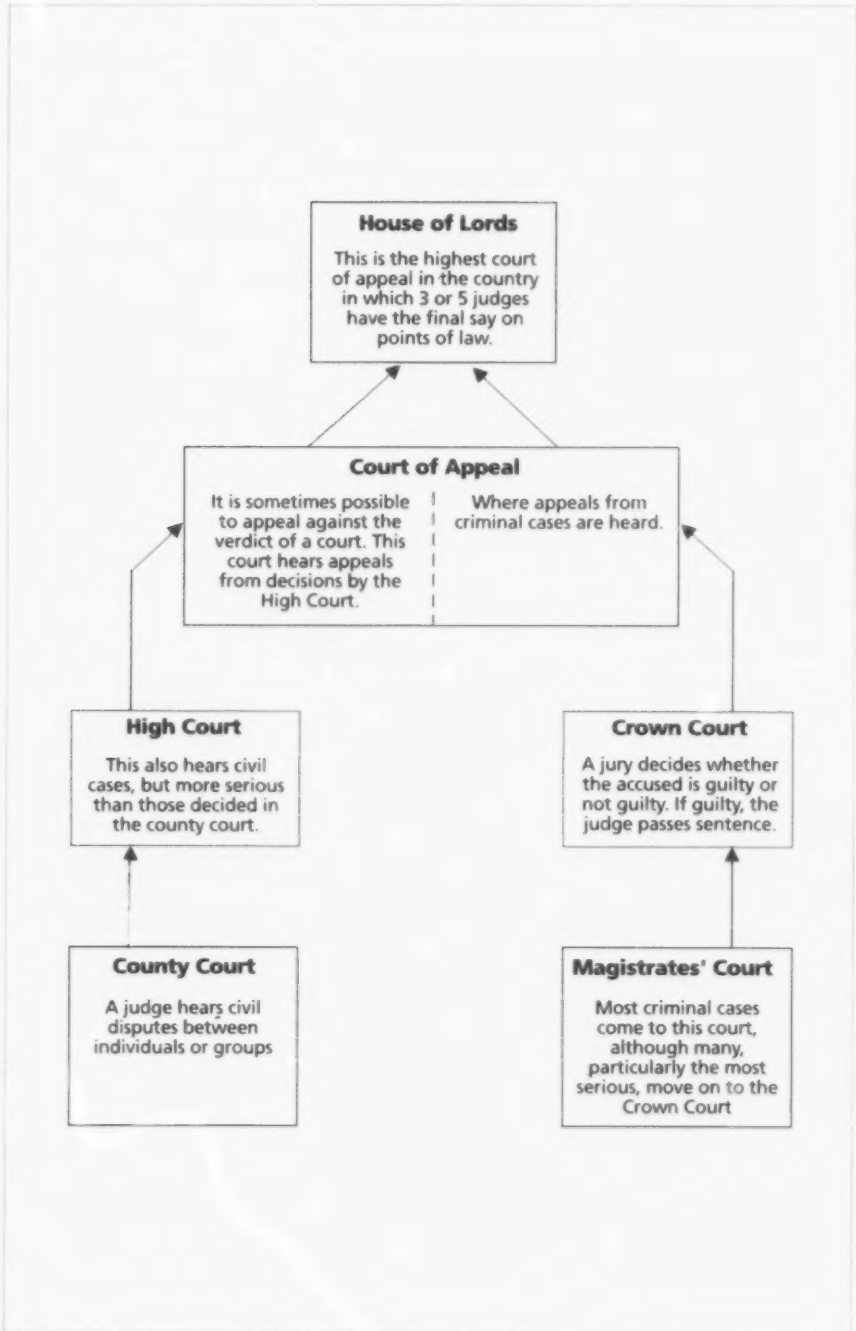
An example of this is murder. There is no Murder Act on the statute books, but over the years the courts have settled on a definition of murder which distinguishes it, for example, from manslaughter.

Common law is based on a system of precedent in which the decisions of senior judges are recorded and used to decide similar cases in lower courts. Case law, as it is known uses precedent to establish the common law and the interpretation of statute law.

European law

Since the United Kingdom joined the European Community in 1973, we have been obliged to incorporate Community law into our legal system, and where the two systems are different, it is Community law which takes precedent.

The Structure of the Courts


House of Lords
This is the highest court of appeal in the country in which 3 or 5 judges have the final say on points of law.
Court of Appeal
It is sometimes possible to appeal against the verdict of a court. This court hears appeals from decisions by the High Court.
Where appeals from criminal cases are heard.
High Court
This also hears civil cases, but more serious than those decided in the county court.
Crown Court
A jury decides whether the accused is guilty or not guilty. If guilty, the judge passes sentence.
County Court
A judge hears civil disputes between individuals or groups
Magistrates' Court
Most criminal cases come to this court, although many, particularly the most serious, move on to the Crown Court

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Criminal and Civil Law

Law falls into two categories, criminal law and civil law.

Criminal law covers conduct or actions which the state feels damages society in some way. Civil law is much wider, covering all areas of law which are not criminal.

Criminal Law

1 Who is the offence against?

Although there are usually victims, the offence is seen as an act which has been committed against society.

2 Who takes action?

The state takes action against the accused in the name of the Queen or King.

Cases are referred to as R v Smith. R stands for Regina, the latin for Queen, and Smith is the named of the accused (also called the defendant).

3 What's the reason for legal action?

To take action on society's behalf – which may mean punishment, protection or rehabilitation of the offender.

4 Where is the action taken?

The criminal courts.

5 Language

The person accused of a crime is prosecuted and found guilty or not guilty.

Civil Law

1 Who is the wrong against?

The dispute here is between individuals, or individuals and groups of people over such things as a nuisance or broken contract.

2 Who takes action?

One individual takes action against another. Smith agrees to play the piano at a concert organised by Jones – but Smith doesn't turn up, and Jones has to give a lot of angry concert-goers their money back. Jones takes action against Smith, reported as Jones v Smith. Jones is known as the plaintiff and Smith the defendant.

3 What is the reason for legal action?

To put the plaintiff in the position she or he would have been in – had the offence not taken place.

In the above case, Smith may be asked to pay Jones the money that she has lost by his failure to turn up to play the piano.

4 Where is the action taken?

The civil courts.

5 Language

The defendant is sued and found liable or not liable.

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Criminal/Civil – What's the Difference?

Answers

Murder

Murder is a **criminal** offence. In English law, murder takes place when a person of sound mind unlawfully kills another human being, with 'malice aforethought' and with the death occurring within a year and a day after the injury.

Trespass

Trespass is a **civil** matter. The word trespass is usually applied to unauthorised entry onto land owned by another, but trespass to the person and trespass to goods also exist in law.

'Trespassers will be prosecuted' is a familiar sign on private land, but this wording is misleading. Although the landowner has the right to ask you to leave, he or she cannot use unreasonable force to eject you or prosecute you for just being there. However, if you had, for example, broken a fence to gain entry or damaged crops whilst on the land you would be liable to civil action by the landowner for damages and possibly criminal prosecution by the police.

Racial harassment

Racial harassment can take place in a number of situations and is both a **criminal** and **civil** matter.

Under the Public Order Act 1986, it is a criminal offence to use threatening, abusive or insulting words, or to display any writing or sign which is threatening or insulting within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby. A person who is suspected of committing such an offence may be arrested by the police.

In other circumstances, such as harassment from a neighbour, it may be possible for the victim to obtain a court order, known in law as an injunction, to order those responsible to stop such behaviour. If they continue with the harassment, they may be found guilty of contempt of court and sent to prison.

Racial harassment may also occur at work and lead to the victim being sacked or being forced to resign. Such behaviour is contrary to civil law, as set out in the Race Relations Act 1976. Under this law, the victim may take her or his case to an industrial tribunal in order to obtain compensation for unfair dismissal.

Secondary picketing

Secondary picketing takes place when employees of one business picket another. It is illegal under the **civil** law and an employer can obtain a court order or injunction to stop the picketing. Criminal offences may further result if the numbers of pickets cause an obstruction of the highway or a breach of the peace.

Divorce

Divorce is a **civil** matter. One person takes action against another.

Parking on a double yellow line

Parking on a double yellow line is a **criminal** offence, although like many other motoring offences it is not usually thought to be as serious as other crimes. Serious motoring offences, such as causing death by dangerous driving, are recorded in the national criminal record and endorsable offences, such as speeding, are registered on the DLVC

computer in Swansea. Minor offences, however, such as parking are not recorded on a central register.

Erecting a building without planning permission

Erecting a building without planning permission is at first a **civil** matter, but may later involve the criminal law. Someone who erects a building without first obtaining the necessary planning permission may be served with an enforcement notice ordering that the building be returned to its original condition (civil law). If this instruction is ignored, the local authority may start criminal proceedings against the developer.

Not paying a train fare

Not paying a train fare is a **criminal** offence, and the accused is likely to face prosecution based on railway bye-laws or regulations.

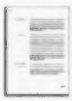
Slander

Slander is a **civil** matter. It occurs when someone makes a false statement about another person orally or in a non-permanent form which causes that person some kind of damage, e.g. to his or her reputation.

Injury to a pedestrian by a speeding driver

Injury to a pedestrian by a speeding driver is known in law as *dangerous driving*, a **criminal** offence under the Road Traffic Act 1991.

Anita



Anita lives in a large city. She is a single parent with two children. She was made redundant three months ago and is getting Unemployment Benefit (UB). She has been told she is entitled to Housing Benefit (HB).

Anita has recently received several letters telling her she is in arrears with her rent and she must pay the outstanding amount immediately. She owes £225.45

What would you advise Anita to do at this point?

Anita telephoned the council and explained to someone that she is receiving UB and had been told she should also get HB, and that it was not her responsibility if the Housing Department had not paid her rent. The man she spoke to said he would look into it.

Anita felt irritated, but thought no more about it until she received a 'Notice of Intent to Seek Possession', from the Council. According to the letter that came with the notice she now owed £400. In the letter it said that the Council intended to take the flat from her, and were applying for a Possession Order from the court so they could get her out of the flat.

What would you advise Anita to do?

Anita is terrified of course. She wonders about getting help from the Citizens Advice Bureau but then decides to try to sort things out with the Council. She telephones the Council and again explains what the situation is. Someone tells her that she should have taken action sooner and that as the tenant she is responsible for the rent. They also tell her that if she is entitled to Housing Benefit, the Council would have been informed of this by the Benefits Agency (DSS). Anita feels as though the person she is talking to doesn't believe her.

Anita is very angry about this and asks to speak to the manager. She is told that he is unavailable, but that she should ring back on Monday.

Over the weekend Anita talks to friends who agree that she is being treated badly, and advise her to get help from someone outside the Council who knows the law. Anita agrees to do this.

However, Anita still thinks she can sort things out by writing to the Council again. She does, but receives no reply. Sometime later she receives a copy of the Possession Order and a date to appear in court.

What would you advise Anita to do?

Anita immediately telephones the Citizens Advice Bureau but can't get through. She tries the local Law Centre and is advised to attend the centre the following day when emergency sessions are held.

Anita asked her neighbours to look after the children because she didn't want to take them on the bus and then have them become restless in the office. She couldn't concentrate on anything else all day and couldn't sleep at night.

Anita waited two hours at the Law Centre before she could be seen. The adviser, Zefrin, explained to her that someone at the Benefits Agency probably had failed to send her papers to the Housing

Department. Zefrin said this was a common problem, which made Anita feel better. Zefrin made several calls while Anita waited. She explained to Anita that Mr Thomas from the Benefits Agency would send the papers on today, but she would still need to turn up to court. Zefrin then arranged Legal Aid for Anita to be represented by a barrister.

What would you do if you had to appear in a county court?

Anita and Zefrin decide on the following:

- to visit the local county court before her hearing so she won't feel so nervous
- to take a friend along on the day
- to draft a letter of complaint to the Council with copies to the local MP.

Anita's hearing lasted only four minutes because it was clear to the judge that it wasn't Anita's fault that the Benefits Agency hadn't communicated with the Housing Department.

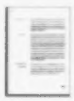
Anita had taken Zefrin's advice and visited the court the week before. In the end Anita quite enjoyed the experience because everything had been explained clearly to her prior to going into court, and because she had a barrister to represent her on the day.

Visiting a court

Things to look out for

- What do the people in court look like?
  Are they female/male, young/old, black/white, etc?
- Who does what in court?
- Who appear to be the most powerful people in the court? What is it about these people that makes them powerful?
- How do you feel once inside the courtroom?

Legal Aid



What is legal aid?

Legal aid is help from the state towards a person's legal costs. It is available for both criminal and civil cases. Anyone can apply, but not everyone will qualify.

The Legal Aid scheme began in 1950 so that no one would be prevented by lack of money from pursuing a just and reasonable claim or defending a legal right.

How is legal aid obtained?

In most towns there are solicitors who carry out legal aid work and can be recognised through the legal aid logo displayed in their window. Alternatively, check with your local Citizens Advice Bureau (CAB), law centre (if you have one) or through the *Solicitors' Regional Directory*, where all local solicitors are listed and the types of law in which they specialise. Copies of the directory are held in all large libraries.

Who qualifies for legal aid?

In the last four years the cost of the Legal Aid scheme to the Government has doubled. In an attempt to save money, the Lord Chancellor, the minister responsible for the scheme, has decided that the number of people eligible for full legal aid should be reduced.

Whether a person is entitled to legal aid depends on their income, their savings, and the kind of problem with which they are faced. For further advice contact a solicitor or your local CAB office.

Legal aid in criminal cases:

- If you are arrested and questioned at a police station, you are entitled to free legal advice and assistance from a solicitor. There is no charge for this, whatever your income. This is known as *the duty solicitor scheme*.
- If you are to appear before a magistrates' court and do not have a solicitor, you may also be entitled to free legal advice and possibly free legal representation.
- If you are to be tried in a Crown Court you may be entitled to help with the legal cost of a solicitor and the barrister who will present your case in Court, but the amount you will be given will depend on your savings and earnings.

Legal aid for civil cases:

- This can take different forms:

  The Green Form Scheme provides two hours free legal advice and assistance (or three hours in divorce cases). This is only available if your disposable capital is less than £1,000 (£1,535 for a person with two dependants) and your weekly disposable income is £70

or less – or you are receiving Family Credit, Disablement Allowance, Income Support (1994/95 figures).

Civil legal aid is also given on the basis of a person's income and savings.

- You will qualify for legal aid if your yearly disposable income is under £2,382.
- Between £2,382 – £7,060, you will get some help, but will also have to pay a contribution yourself.
- Over £7,060, you do not qualify for legal aid (1994/95 figures).

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Case Study One

Rahul

'This is what happened. My son Rahul who is 19 was coming home from the club at eleven o'clock the other night when a car pulled up and two men jumped out and told him to stop. He was terrified, and tried to run, but they grabbed him by his coat, and one of them got hold of him round his neck. They said they were police officers who had reason to believe he was carrying stolen goods. They showed him no form of identification and their vehicle was just an ordinary car. He didn't know whether to believe them or not. They got him to open his bag in which he had a large radio cassette player and a stack of tapes that he had used at the club.

'They said they would have to take him to the station and bundled him into the car. He was very upset and frightened and started to cry. They were very abusive to him at this point, and made some upsetting remarks about his sexuality, his "girlie" long hair and his sobbing.

'He was held at the station until four o'clock the next morning without any of his rights being explained. I rang the local police station at twelve o'clock because both me and his father were so worried about where he was. They told us nothing, although Rahul was in the station at that point. Eventually he was let out without being charged with anything or any explanation given. He was just told he could go home. He arrived home at about half past four in a very emotional state.'

Case Study Two

Julie

Julie told her story to her friend. 'Joel had threatened me with violence so many times before, and once or twice had gone as far as pushing and slapping me around. The children were always terrified by this behaviour and their screams seemed to incense him all the more.

'This night he arrived back home late and began abusing me. He was pretty drunk. He was in a mood to knock me about. Luckily the kids were away at my sister's. I rushed out of the house and went round there.

'She was very good and we rang up the local women's helpline. They explained the options: I could go to the police and get them to charge him with assault. But for that they would need evidence. Or I could go to a solicitor and take out an injunction to keep him away from the house. This would mean an affidavit, and changing the locks and all that. And who would pay the bills in his absence? He's on a good salary, and I don't work.

'I want him out of my life. But can I afford it?'

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UNIT SEVEN: Belonging and Unbelonging

'Everyone is quick to blame the alien.'
Aeschylus (463 BC)

Aim: To examine how citizenship is granted, and to consider why some citizens have more rights than others.

1 Getting into the topic

1.1 *What's in a word?*
Words expressing belonging and unbelonging. After completing this exercise, you could move to section 2. *20 minutes*

1.2 *Going back in time*
Students consider how most of our families have been *outsiders* at some time in their past (Unit 2, element 2). *20 minutes*

2 A sense of belonging

You could do either or both of the following exercises.

2.1 *Feeling as though you belong*
Students reflect on what makes us feel we belong in a society. *30 minutes*

2.2 *A mystical sense of belonging*
Students think about how a sense of belonging is used to justify actions against those who may not share this. *45 minutes*

3 How the club changed the rules

The changing status of British subjects and passport holders over the last 50 years. *50 minutes*

4 Joining the club

What criteria should be used for individuals to qualify for naturalisation? *45 minutes*

5 Suggestions for further study

Aim

In this unit, students are asked to examine how citizenship is granted, and to consider why some citizens have more rights than others.

Outcomes

At the end of this unit, students should be able to:

- weigh up how societies can, and do, make people feel included and excluded
- express an opinion on the rules of naturalisation.

1 Getting into the Topic

1.1 What's in a word?

In this section, students are asked to think about terms which express belonging and not belonging to a society.

Allow about 20 minutes for this exercise.

- Ask the group to work in pairs and to categorise the following words in terms of being positive, negative or neutral:

Alien	Stranger	Citizen	Foreigner
Subject	Outsider	Member	Interloper

- Share some of the definitions around the group. The definitions are to stimulate discussion; the group need not reach agreement on the definitions. Ask them to describe the 'flavour' or connotation of each word. Ask them which of the words feel negative. Ask them to rank them positive to negative.

  If interesting points are raised list them on the board or flipchart for later discussion.
- Ask students which of the words they would use to describe:
  - a new student joining the group
  - a visitor to Britain from Poland
  - an immigrant to Britain from South Africa
  - a 'thing' from another planet!
  - themselves.

  Invite the group to check the dictionary definition of some of these words.

1.2 Going back in time

In this exercise the group is asked to look at the commonality of our experiences in relation to where we belong.

Allow about 20 minutes for this exercise.

- Ask the group to talk in pairs about where their grandparents were born. (Some students may not know this, or wish to discuss it. So some pairs may only wish to make one contribution back to the whole group.)
- Using a large map of Britain and a map of the world, ask them to trace the journey that shows where their grandparents were born and where they, the student, now live. Most students will show examples of movement or migration – both inside this country and into this country.

Point up the similarities in the 'journeys' – rural to urban, in search of work, possibly fleeing from persecution. Point out that this is a global phenomenon.

- Ask them to compare the geographical closeness of extended families two or three generations back, and the pattern of dispersed families now. Ask them what the implications are for citizenship.

  Ask them what names their grandparents might have been called by the indigenous people when they arrived at their destinations. If the examples are negative, ask them to think of reasons why.

  Point out that most of our families have been outsiders in some way.

2 A Sense of Belonging

2.1 Feeling as though you belong

Students are asked to consider what makes people feel they belong in a society.

Allow about 30 minutes for this exercise.

- Ask students to draw up a list of things which make them feel they belong in community.
- Share their ideas and compile a list for the whole class. Now ask students to read the quotes on page 95, *What Makes You Feel as Though You Belong?*, and ask them if there is anything they wish to add to their list.

2.2 A mystical sense of belonging

In this section, students are asked to consider how societies use the 'sense of belonging' to justify actions against those who are seen as not belonging.

Allow about 45 minutes for this exercise.

- Give each student a copy of page 96, *A Mystical Sense of Belonging*, ask them to read through it and to discuss briefly in pairs each of the key questions.
- Having read the whole text, ask for some general opinions about the views expressed in the article. Ask students for examples to support their arguments.
- As a follow-up exercise, list on the flipchart/board the features from the first paragraph that make up the sense of belonging. These are likely to include *language, culture, shared beliefs, etc.* Now ask the students, working in pairs, to define what each of these features mean.

  When they have had enough time to prepare two or three of these, ask them to share their ideas with the whole group. As the tutor, try to extend their thinking by asking students if they can explain more clearly exactly what they mean. For example, if students define our common *language* in terms of shared words, speech, meanings, etc. try to get them to consider exactly how common these are. For example, do we in Britain speak with one voice or accent – or many? Are there such things as common languages, cultures, etc?

Draw students' attention to the title of this section and ask if these aspects of our culture *can* be defined, or are they mystical ideas – and not realities, as the author implies?

- Finally ask students if they feel that the subject of belonging is ever used for political ends. If they feel it is, ask them to provide examples.

3 How the Club Changed the Rules

In this section, students examine the changing status of British subjects and passport holders living overseas during the last fifty years. The law surrounding immigration in Britain is particularly complex. The information given in this section is greatly simplified. Students seeking more detailed information or advice should consult a recent reference book or their local CAB office.

Allow about 50 minutes for this exercise.

- Ask each student to read pages 97–98, *How the Club Changed its Rules*, marking or noting any sections which he or she finds difficult to understand. Students may wish to confer over these with a partner, or it may be easier for the group to share and discuss points of difficulty as a whole.
- Now ask students what they feel about the nature of citizenship in Britain, and why citizens appear to have different rights under British law.
- Underlying this issue are several questions of human rights:
  - the right to discriminate in favour or against a particular group in relation to migration
  - the right of the state to change an individual's citizenship status
  - the right to control immigration

  and students may wish to take this work further in discussing some of these.

4 Joining the Club

This section is designed to stimulate students into thinking about the criteria that should (or should not) be adopted for individuals to qualify for naturalisation.

The exercise should take about 45 minutes to complete.

- The process of making an outsider a member of a state of which he or she is not a natural born subject is called *naturalisation*. Most countries have rules controlling how this can take place, although these vary from one state to another.

  In the USA, for example, you have to take a language test. In some countries an applicant must prove that she or he is not HIV positive.

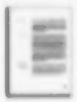
- Inform the group that they have the authority to hear applications from individuals for naturalization. Give them each a copy of the letter, attached to the end of this unit, which is used by the Home Office to gather evidence following an application for naturalisation. Ask students to read the letter, and to decide, in threes:
  - for what reasons would you refuse an application under the heading of *being of good character*?

  - are there any other conditions that you would add before a person can become naturalised?
- Share the opinions around the group, and then ask students:
  - under your own criteria, is there anyone you know (including yourself) who would not qualify for naturalisation?
  - would any group be especially adversely affected by these criteria?
  - do the criteria meet point ten of the *European Convention on Human Rights* and point one of the *African Charter on Human and People's Rights* (see Unit One).

5 Suggestions for Further Study

- Contact the embassies or high commissions of various countries and ask for information about naturalisation and citizenship.
- Invite a speaker from a local campaigning group with knowledge of experience of immigration laws, refugees or asylum seekers.
- Read extracts from:
  - *Through Brown Eyes*, by Prafulla Mohanti, published by Penguin. The autobiography of a young man from a village in Orissa, India who comes to London to study and work.
  - *The Unbelonging*, by Joan Riley, published by Women's Press. *'Summoned to Britain by her father she has never known, eleven-year-old Hyacinth exchanges the warmth and exuberance of the backstreets of Kingston, Jamaica, for the gloom of inner-city life. She finds herself in a land of strangers, the only black face in a sea of white'* (extract from the dust jacket).
- *British Subjects* – poems by Fred Aguiar, published by Bloodaxe Books. Home is always elsewhere for Fred Aguiar, born in Britain, brought up in Guyana and now living in London and America. In *British Subjects* his focus is Britain – being and feeling British, feeling at home but not being made to feel at home. Confronted by customs men at Heathrow his passport stamp *British Citizen* is 'not bold enough for my liking and too much for theirs.'
- New Internationalist, *'The Dispossessed'*, issue 223. Available from 55 Rectory Road, Oxford OX4 1BW.

What Makes You Feel as Though You Belong?



We asked a number of people this question, and this is what they said:

Maria

'I had my children here and most of my family are here as well. When I first came here I lived in the suburbs, but I moved into the city very soon because I wanted to be nearer the other people who had lived in the country I was born in. Since then, my life has improved enormously. It's having that bond with people and this has also given me more confidence with people who have lived here all their lives. I would say I feel at home now, even though I think some things will always feel strange.'

Douglas

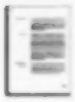
'It's about knowing the rules, really. I was born here in London and haven't lived anywhere else. If I want to get involved I know how to, so I can participate if I want. I am a school governor here. If I was to go and live somewhere else, I think it would be much harder to do something like this.'

Vijay

'I speak the same language as people here, and I know how things operate like the legal system and social security. I am also aware of what different kinds of manners and behaviour means, like I usually know when people are pretending to be polite and when they really like me. I know by their accent and the way they behave whether they are in a powerful position or at least they think they are.'

Edie

'I have lived around here for 30 years. I know everyone and everyone knows me. I go to few socials at the community centre, as well as working part-time at the market. People talk to me all the time, which I like. I use the same shops nearly every day too.'



A Mystical Sense of Belonging

There is always something mystical at the heart of belonging: people like us, our assumptions, our culture; that which is familiar, recognisable; where we feel at home. It defies logic and analysis. The familiar dialect, the shared characteristics – whether physical or social – a shared set of beliefs, a common religion, the same set of values.

What are these values that we share?
- who doesn't share them?

Belonging means sharing assumptions that do not have to be questioned. Yet at the same time, it has always defined itself against those who do not belong. It is almost as though belonging in itself were not quite enough. It is rarely placid or serene. It needs to make itself different from the outsider's values, beliefs and behaviour; and this is the fundamental problem with belonging.

Pluralism, diversity and tolerance are the ideals of a society in which different forms of belonging exist together. But these easily break down into conflicting interests, jealousy and violence. Sometimes politicians use these divisions for their own gain, and they cannot control the consequences.

Can you think of any examples of this?

Belonging is nearly always on the terms of the dominant; and the tolerance extended to minorities is always a concession, always threatened, always capable of being withdrawn at a moment's notice.

In this sense, belonging is also potentially destructive and a generator of conflict. Why can it not find itself in the security that it is supposed to ensure? Why must it always expand, move outwards, conquer, and measure itself against other (alas, always inferior) forms of belonging?

The wealthy and powerful make sure that those who support them are the best rewarded. In this context, minorities or those who oppose, must struggle to gain for themselves the resources, recognition and rights.

Can you think of examples of minorities who must struggle?

Belonging it seems, is not all passive and tranquil, but is restless, dynamic and aggressive. It needs to express itself, to redefine itself all the time, and this is why it is always vigilant, looking around for some other against which it can affirm its identity, its superiority and its power to make its members move against the interests of others.

Are there examples from your own experience which confirm or deny this last point?

How the Club Changed its Rules

1914 British Nationality and Status of Aliens Act gave the status of British subject to all inhabitants of the British Empire. In effect there was no difference in citizenship between someone in London and someone in Uganda or India.

1945–7 With labour shortages at the end of the Second World War, 300,000 people from European countries such as Poland and Ukraine were allowed to come or to remain in Britain.

1948 Under the British Nationality Act, members of independent Commonwealth countries, such as Canada, were given their own citizenship but remained British subjects.

When a Commonwealth country became independent, the inhabitants usually became citizens of the new country and lost their UK citizenship. One exception to this was in East African countries, where the citizenship laws of the newly independent countries were automatically available only to those who were born in the country and had a parent born there. This had the effect of excluding many of Indian descent who had been brought over by the British to build the railways and assist with the administration. They had a choice of applying to become a citizen of the new country or of keeping their citizenship of the United Kingdom and the Colonies.

All citizens of the United Kingdom and colonies, and citizens of the new Commonwealth countries (e.g. Canada and India) along with citizens of the Republic of Ireland had the right to settle and work here.

1950–60 Large employers such as London Transport, the National Health Service and many textile mills in Lancashire recruited workers from the Caribbean, India and Pakistan to come and work in Britain.

1962 The Commonwealth Immigrants Act stated that only those holding a British passport issued in Britain or by a High Commission overseas had an automatic right to enter Britain.

This meant that holders of passports issued by an independent Commonwealth country, such as Canada, or by a colonial government, such as Rhodesia, were still British subjects, but no longer had the automatic right to enter this country.

This situation was particularly contradictory for inhabitants of the remaining colonial countries such as Southern Rhodesia, now Zimbabwe, who retained their status as British subjects and citizens of the UK and Colonies, but no longer had the automatic right of entry to Britain. For the first time, holders of the same passport had different rights.

When Uganda and Kenya became independent, in 1962 and 1963, many Asians inhabitants chose to keep their UK citizenship in preference to becoming citizens of the new countries, and were issued with British passports by the British government. This meant that under the 1962 Act, they had full British citizenship and rights of entry.

1968 A second Commonwealth Immigrants Act was passed, restricting entry to Britain to British passport holders who had a parent or grandparents born or naturalised in Britain. Once again, this meant that citizens with the same passport had different rights.

1971 Under the Immigration Act a distinction was made between patrials and non-patrials, as opposed to British subjects and aliens. A patrial was someone who was born, or whose parent or grandparent was born, in the United Kingdom, or who had a close connection with the United Kingdom through residence or marriage. He or she had the right to work in Britain and was free from immigration control and deportation. This new ruling applied to all existing citizens of the UK and Colonies and also to citizens of Commonwealth countries.

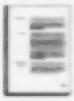
1981 In addition to the category of British citizen, the British Nationality Act, created five other classes of membership. None of these are the same as British citizen and none allow the holder a right of entry into this country. People falling into these five categories include those connected with Britain's remaining colonies and those who were citizens of the UK and Colonies under earlier legislation, but do not have sufficiently close links with Britain now.

Today a person is a British citizen if he or she:

- was a citizen of the UK and Colonies with the right to live in Britain before 1983
- was born in Britain after 1983 and has a parent who was a British citizen or settled in the UK
- was born outside the UK after 1983, but whose mother or father was British citizen otherwise than by descent at the time of their birth.

The 1981 Act also removed the centuries-old notion of *ius soli*, the acquisition of citizenship by birth on British soil. From 1983, people born here are British only if one of their parents is settled or a British citizen. If a child remains here without interruption until his tenth birthday, or if one of his parents becomes settled or a British citizen, he has an entitlement to registration as a British citizen.

It is clear from these changes that a person may have either a British passport or the word 'British' attached to their citizenship category, without possessing the legal right to live in this country.



Immigration and Nationality Department

Nationality Division 3rd Floor India Buildings
Water Street Liverpool L2 0QN
Telephone 051-236 4723

REFEREE - 6(1) FORM

Your reference

Our reference

Date

Dear

You have agreed to act as a referee for

who applied for naturalisation as a British citizen under section 6(1) of the British Nationality Act 1981. We have to make detailed enquiries into naturalisation applications and I am therefore writing to ask you to provide some information by answering the questions below. The attached notes contain information regarding your own eligibility to act as referee and an explanation of some of the terms used in the questionnaire.

Please answer all the questions and write as clearly as you can. If there is not enough space, continue on a separate sheet of paper.

You should sign and date the declaration at the end of the questionnaire, and return it using the pre-paid label provided.

If for any reason you are unable to give a reference please say why in Section 9, sign the declaration and return as above for our records.

Your reply will, of course, be treated in the strictest confidence.

Thank you for your co-operation.

Yours sincerely

Nationality Division

Enc

WARNING : To give false information on this form knowingly or recklessly is a criminal offence punishable with up to 3 months imprisonment or a fine not exceeding £1000 or both (Section 46(1) British Nationality Act 1981).

REFERENCE

1. How long have you known the applicant? .....

2. How often do you meet? .....

3. Do you meet socially, for business purposes, or for any other reason? .....

4. Is he/she of full capacity? (See Notes) (Please explain if there is any doubt) .....

continued overleaf

The Nationality Division of the Immigration and Nationality Department have kindly allowed us to reproduce the form (and notes) on this and the next two pages.

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REFEREE - 6(1) NOTES

Notes for persons acting as referees in support of an application for naturalisation under section 6(1) of the British Nationality Act 1981.

1. To be eligible to act as a referee, you must

   a. Be a British citizen.

   b. Be aged 25 or over.

   c. Have known the applicant personally for at least 3 years (but not just in a professional capacity eg. GP or dentist).

   d. Not be the solicitor or agent or relative of the applicant.

   e. Not be related to the applicant.

   f. Not be related to the other referee.

   g. Not have been convicted of an imprisonable offence during the last ten years.

2. An applicant for British citizenship under section 6(1) of the British Nationality Act 1981 must (amongst other things) :

   i. be of full capacity;

   ii. be of good character;

   iii. intend if naturalised either to make his/her home or (if he/she has more than one) principal home in the United Kingdom, or to enter or continue in

      a. Crown service under the government of the United Kingdom; or

      b. service with an international organisation of which the United Kingdom or Her Majesty's government is a member; or

      c. employment with a company of association established in the United Kingdom; and

   iv. have sufficient knowledge of the English, Welsh or Scottish Gaelic language.

3. The British Nationality Act 1981 defines full capacity (2.i. above) as being 'not of unsound mind', and in order to help us to establish whether an applicant meets this requirement we need to confirm that he or she is able to understand the purpose of the application for naturalisation and the meaning of taking an oath or affirmation of allegiance, if required.

4. As regards the good character requirement (2.ii. above) the Secretary of State would not normally expect to naturalise anyone who had an unspent conviction in terms of the Rehabilitation of Offenders Act 1974. He would also expect to take account of the applicant's general conduct towards other people including family, friends, neighbours and the public at large, and of his or her commitment to this country.

5. With regard to the language requirement (2.iv. above), an applicant is expected to have a sufficient command of English, or Welsh or Scottish Gaelic to enable him or her to deal adequately with everyday situations such as travelling, shopping, visiting the doctor or a child's school and dealing where necessary with officials. We do not require an applicant to meet any particular standard in the written language. The requirement may be waived altogether if the applicant's age or physical or mental condition would make it unreasonable to expect him or her to fulfil it.

5. Is he/she of good character? (See Notes) .....
(Please give us any information you think is relevant to this question.) .....

.....

.....

6. Do you know what he/she intends to do, or where he/she intends to live if naturalised? Please tell us here. .....

7. Can he/she speak English, or Welsh or Scottish Gaelic well enough to deal with every day situations without the help of an interpreter. (See Notes) .....

IF NOT :

8. Is the reason why he/she cannot speak English/Welsh/Scottish Gaelic that he/she has a physical or mental handicap or is elderly? Please give details. .....

.....

9. Is there any other information that you think we should take into account in considering this applicant?

DECLARATION The information I have given in the reference is to the best of my belief correct and complete. I have read the caution at the top of this form and hereby state that I am a British citizen, aged 25 or over, and have not been convicted of an imprisonable offence in the last ten years. I am not the solicitor or agent of a relative of :-

.....

Date ..... Signature .....

Full name (in BLOCK LETTERS) .....

Full postal address .....

.....

Date, place and country of birth .....

.....

Daytime telephone number .....

To help us improve the quality of our service, please quote our reference on your reply and use the address label provided.

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NOTES

Can They Do That?

Learning About Active Citizenship

Derek Heater
Jane Farrell
Annie Hegge and
Tony Thorpe

NACE

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